



UNITED NATIONS APPEALS TRIBUNAL
TRIBUNAL D 'APPEL DES NATIONS UNIES

Judgment No. 2017-UNAT-717



Yousef

(Appellant/Respondent on Cross-Appeal)

v.

Commissioner-General

Date: 31 March 2017

Registrar: Weicheng Lin

JUDGE ROSALYN CHAPMAN , PRESIDING

4. On 17 May 2015, Mr. Yousef filed an application before the UNRWA Dispute Tribunal contesting the decisions to reclassify his post at Grade 11 instead of Grade 14 and not to grant him compensation for the delay in deciding to reclassify his post. The Commissioner-General filed a reply.
5. On 13 June 2016, the UNRWA DT issued Judgment No. UNRWA/DT/2016/021, which upheld the decision to reclassify Mr. Yousef's post as GSS at the Grade 11 level and awarded Mr. Yousef compensation for the salary difference for one year, between the salary he received at Grade 9 and the salary he should have received at Grade 11, less a set off for any special occupation allowance he received in addition to his Grade 9 salary. The UNRWA Dispute Tribunal also awarded Mr. Yousef moral damages in the amount of USD 4,000.
6. On 18 July 2016, Mr. Yousef filed an appeal, and on 19 September 2016, the Commissioner-General filed a cross-appeal. The Commissioner-General also filed his answer to Mr. Yousef's appeal on 19 September 2016; however, Mr. Yousef did not file an answer to the Commissioner-General's cross-appeal.

Considerations

7. On 10 January 2017, the President of the Appeals Tribunal assigned Case No. 2016-952 -- Mr. Yousef's appeal and the Commissioner-General's cross-appeal -- to a panel of the Appeals Tribunal for consideration and judgment.
8. On 13 February 2017, Mr. Yousef filed a Motion to Withdraw the Appeal "based on the fact that an internal settlement ... ha[d] been agreed with the UNRWA".
9. On 15 February 2017, the Commissioner-General filed a Motion to Withdraw the Cross-Appeal, stating: "The Appellant having filed a Motion for withdrawal of the Appeal, the Respondent no longer wishes to pursue the Cross-Appeal and hereby gives notice of the withdrawal of the Cross-Appeal."

10. Our jurisprudence provides that “a party may withdraw an appeal simply by giving notice”. As we have stated: There is “no reason to require [a party] to pursue an appeal he [or she] no longer deems necessary in the context of his [or her] case”¹. Accordingly, the withdrawal of the appeal and cross-appeal are noted and the Registrar should be directed to close Case No. 2016-952.

Judgment

11. The Registrar is directed to close the case.

¹ *Baracungana v. Secretary-General of the United Nations*, Order No. 243 (2015), para. 4; see *Chowdhury v. Secretary-General of the United Nations*

Original and Authoritative Version: English

Dated this 31st day of March 2017 in Nairobi, Kenya.

(Signed)

Judge Chapman, Presiding

(Signed)

Judge Raikos

(Signed)

Judge Halfeld

Entered in the Register on this 26th day of May 2017 in New York, United States.

(Signed)

Weicheng Lin, Registrar