

## **ASIAN DEVELOPMENT BANK ADMINISTRATIVE TRIBUNAL**

**Decision No. 29  
(6 January 1997)**

**Alex K. Knudsen  
v.  
Asian Development Bank**

**Mark Fernando, President  
Robert Gorman, Vice-President  
Toshio Sawada  
Brigitte Stern**

1. The Applicant complained to the Tribunal that he was wrongfully denied the right to early retirement under the Special Separation Program ("SSP"), a voluntary early retirement program which had been notified to the Bank's staff on 24 October 1994.
2. The Bank maintained that the Applicant had not satisfied one of the eligibility criteria.
3. On 25 November 1996, the Applicant sought to withdraw his Application as, for personal reasons, [he had] agreed on early separation from the service of the Bank under the provisions of para. 4.2 of Administrative Order No. 2.05.
4. On 11 December 1996, the Bank informed the Tribunal that it had no objection to the withdrawal of the Application.
5. The Tribunal had determined, in terms of Rule 5A of its Rules of Procedure, that this case warranted consideration by a panel consisting of all its members. However, on account of illness one member was unable to attend this plenary session of the Tribunal. In the exercise of its powers under Rule 23, and considering that Rule 5, paragraph 4, provides that three members of the Tribunal shall constitute a quorum for plenary sessions, the Tribunal decided that this case should be determined by the four members present at this plenary session.

### **Decision:**

Considering the agreement reached between the parties, the Tribunal decides to record the withdrawal of the Application.