

# **UNDT/2011/200, Di Giacomo**

## UNAT Held or UNDT Pronouncements

The Applicant filed an application, ostensibly under art. 12.2 of its Statute (regarding corrections), in relation to Di Giacomo UNDT/2011/168, by which the UNDT dismissed his case as falling outside its jurisdiction. With regard to the present application, the UNDT found that the Applicant, in fact, sought revision of Di Giacomo under art. 12.1 of the Statute, as well as correction under art. 12.2 of the Statute. The UNDT found that it had no jurisdiction to consider the present application as Di Giacomo was under appeal before the UNAT, which was therefore seized of the matter.

## Legal Principle(s)

Effect of appeal, jurisdiction of the UNDT with respect to judgments under appeal: Generally, once an appeal is filed, the UNAT must be regarded as being seized of the case and the UNDT has ceased to have any jurisdiction. To have some aspect of the proceedings continuing concurrently in the trial instance would be an abuse of process.

## Outcome

Dismissed on merits

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Di Giacomo

## Entity

UN Secretariat

## Case Number(s)

UNDT/NY/2010/098

## Tribunal

UNDT

## Registry

New York

## Date of Judgement

23 Nov 2011

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Judgment-related matters

Correction of Judgment

Revision of Judgment

## Applicable Law

UNAT Statute

UNDT RoP

- Article 29

- Article 31

#### UNDT Statute

- Article 12.1
- Article 12.2

## Related Judgments and Orders

UNDT/2011/168