

UNDT/2012/100, Perelli

UNAT Held or UNDT Pronouncements

Judicial review of disciplinary cases: It was not required or expected of the staff members under the former system of justice to file separate appeals regarding each intermittent stage of the disciplinary process. It is impossible to artificially split the disciplinary process into separate stages after its completion and file separate appeals with the Tribunal with respect to each stage, expecting that they would be considered piece-meal. Moreover, even if that were possible, the Applicant would have been required to submit separate appeals to the JDC or file separate requests for administrative review and appeals to the Joint Appeals Board with respect to each of the intermittent decisions. Her first application was considered and rejected on the merits by the United Nations Dispute Tribunal in Perelli UNDT/2012/034. The second application was considered in the present judgment, Perelli UNDT/2012/100. In this judgment, the Tribunal found that all of the legal and factual issues relevant to the summary dismissal of the Applicant were dealt with in Perelli UNDT/2012/034 and no matters remained pending adjudication. The second application was found moot, not receivable, and manifestly inadmissible. The Tribunal found that there was no good reason to hold a second hearing on what would amount to the same facts and legal issues already canvassed by the Tribunal. Such a hearing would be an abuse of the Tribunal's time and resources. The Tribunal ordered that the present case be dismissed.

Decision Contested or Judgment/Order Appealed

The Applicant filed two separate appeals against the decision of the Secretary-General to summarily dismiss her for engaging in sexual harassment of her staff.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Perelli

Entity

UN Secretariat

Case Number(s)

UNDT/NY/2010/018/UNAT/1618

Tribunal

UNDT

Registry

New York

Date of Judgement

29 Jun 2012

Duty Judge

Judge Shaw

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Subject matter (ratione materiae)

Related Judgments and Orders

UNDT/2012/034

2010-UNAT-018

2010-UNAT-022

2010-UNAT-024

2010-UNAT-028

2010-UNAT-084

2010-UNAT-098