

2010-UNAT-057, Fagundes

UNAT Held or UNDT Pronouncements

UNAT noted that when the new system was created, UNDT was not given powers to hear a matter already finally decided by the former Administrative Tribunal. UNAT accordingly held that UNDT was correct in finding that it did not have the power to review the decision of the former Administrative Tribunal. UNAT further held that the Appellant exhausted her avenues of appeal and that UNDT correctly found that it had no jurisdiction to hear another appeal. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

UNDT judgment: The Applicant challenged the Administration's violation of her due process rights, alleging harassment against her. She filed an appeal to the JAB and then an application with the former Administrative Tribunal. The former Administrative Tribunal rejected her application. The Applicant later filed a new application before UNDT. UNDT rejected her application, holding that the impugned decision was of judicial nature, as opposed to administrative, and, thus, did not fall within the competence of its jurisdiction.

Legal Principle(s)

UNDT does not have jurisdiction to hear matters previously decided by the former Administrative Tribunal.

Outcome

Appeal dismissed on receivability

Full judgment

[Full judgment](#)

Applicants/Appellants

Fagundes

Entity

UNEP

Case Number(s)

2010-062

Tribunal

UNAT

Registry

New York

Date of Judgement

1 Jul 2010

President Judge

Judge Boyko

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Subject matter (ratione materiae)

Related Judgments and Orders

UNDT/2010/022