2010-UNAT-063, Costa

UNAT Held or UNDT Pronouncements

UNAT referenced the Shanks jurisprudence (judgment No. 2010-UNAT-026bis) where it held that the authority of a final judgment - res judicata - cannot be so readily set aside. UNAT noted that there are only limited grounds as enumerated in Article 11 of the UNAT Statute for review of a final judgment and an allegation of an error in law is not one of them. UNAT dismissed the application to set aside and remand the previous judgment.

Decision Contested or Judgment/Order Appealed

Previous judgment: The Applicant filed an application to set aside a previous judgment, holding that her case was time-barred, and have the case remanded to UNDT. She claimed that this error could lead to a miscarriage of justice. The Secretary-General submitted that there were no grounds for UNAT to review the application and requested its dismissal.

Legal Principle(s)

The authority of a final judgment - res judicata - cannot be so readily set aside. There are only limited grounds as enumerated in Article 11 of the UNAT Statute for review of a final judgment. An allegation of an error in law is not one of them.

Outcome

Appeal dismissed on receivability

Full judgment

Full judgment

Applicants/Appellants

Costa

Entity

Other Agency/Fund/Programme/UN Entity

Case Number(s)

2009-013bis

Tribunal

UNAT

Registry

New York

Date of Judgement

29 Oct 2010

President Judge

Judge Painter

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Judgment-related matters Appeals of final judgments

Applicable Law

None

Related Judgments and Orders

2010-UNAT-036 UNDT/2009/052 2010-UNAT-026bis