

# 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