

# 2012-UNAT-213, Squassoni

## UNAT Held or UNDT Pronouncements

UNAT held that UNDT previously addressed the issues at hand and, therefore, there were no grounds to consider that the Appellant's rights to due process were violated by a judgment by default or by not considering her arguments. UNAT noted that UNDT did not err in concluding that there was no administrative decision concerning the Appellant's return to the G-4 post capable of judicial review under Article 2(1) of the UNDT Statute, as that return was the predictable and logical consequence of her non-selection. UNAT relied on its holding in Zhang (2010-UNAT-078) and held that UNDT correctly determined that the Appellant's claims regarding her return to her G-4 post were not receivable. UNAT held that this conclusion rendered moot the Applicant's petition to produce new evidence, which was not in compliance with the strict statutory limits to allow that kind of application. UNAT accordingly dismissed the appeal and affirmed the UNDT judgment.

## Decision Contested or Judgment/Order Appealed

The Applicant contested the decisions to return her to her former G-4 post, after not being selected for two G-5 posts, and to award her compensation in the amount of six months' net base salary. UNAT dismissed her application, finding that the decision to return her to her former post was the direct and logical consequence of her non-selection for the G-5 posts and that her compensation was adequate.

## Legal Principle(s)

Without regard to the procedural regularity or irregularity of the UNDT's Orders related to the scope of the parties' submissions, there are no grounds to consider that the claimant's right to due process was violated by a judgment by default or for not considering her arguments.

## Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Squassoni

Entity

DPA

Case Number(s)

2011-221

Tribunal

UNAT

Registry

New York

Date of Judgement

16 Mar 2012

President Judge

Judge Courtial

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Administrative decision

Definition

Applicable Law

None

Related Judgments and Orders

UNDT/2011/070