

2012-UNAT-278, Balogun

UNAT Held or UNDT Pronouncements

UNAT held that, when the Appellant contested before UNAdT his separation from the Organisation, he should have also submitted the request for payment of a termination indemnity, to be able to collect it if he did not succeed in the first part of his application. UNAT held that the decision of the Management Evaluation Unit to consider the Appellant's request not receivable as time-barred was correct. UNAT held that, even though the Appellant revisited the issue of his separation on several occasions under the old system, he might have been misguided into believing that he could bring the matter before UNDT. UNAT upheld the appeal in part and vacated in part the UNDT judgment as to the award of litigation costs against the Appellant.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decisions not to renew his contract and not to pay him termination indemnity. UNDT dismissed the application. UNDT recalled the Former Administrative Tribunal's (UNAdT) judgment No. 1232 (2005) and determined that all issues reviewed by the UNAdT were res judicata. UNDT found that the application contained the same facts and raised the same issues as the three previous applications with UNAdT. UNDT found that the Applicant had abused the proceedings and decided to award costs against him, as a matter of principle, though he was no longer a staff member and it might be difficult, if not impossible, to recover those costs from him.

Legal Principle(s)

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Outcome

Appeal granted in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Balogun

Entity

ECA

Case Number(s)

2012-307

Tribunal

UNAT

Registry

New York

Date of Judgement

1 Nov 2012

President Judge

Judge Simón

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Abuse of process before UNDT/UNAT

Costs

Jurisdiction / receivability (UNDT or first instance)

Subject matter (*ratione materiae*)

Temporal (*ratione temporis*)

Related Judgments and Orders

UNDT/2012/026