

2013-UNAT-294, Gehr

UNAT Held or UNDT Pronouncements

UNAT held that there was no error in UNDT's finding that the application was moot and thus, not receivable. UNAT held that the UNDT's decision to dispose of the issue of compensation as part of another case was a case management decision well within the discretion of UNDT and caused no injustice to the Appellant. UNAT observed that it should never have been called on to review the UNDT's decision since the fact that the application was moot was obvious. UNAT held that the Appellant had manifestly abused the appeals process by filing an appeal that was blatantly frivolous. UNAT opined that the Appellant was fortunate that on this occasion the Secretary-General had not made an application for costs and that, should the Appellant ever bring an appeal with such lack of merit again, he should be prepared to face an award of costs. UNAT held that the Appellant had not established that UNDT fell into any error. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision of the Ethics Office not to respond to his complaint of retaliation. UNDT found that the matter had been rendered moot by the Ethics Office's subsequent review and determination, and rejected the application. UNDT rejected the Applicant's request to join the case with another of his cases, finding that to do so would not be appropriate for the fair and expeditious disposal of the other case.

Legal Principle(s)

UNAT will not lightly interfere with the broad discretion of UNDT in the management of cases.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Gehr

Entity

UNODC

Case Number(s)

2012-325

Tribunal

UNAT

Registry

New York

Date of Judgement

28 Mar 2013

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Abuse of process before UNDT/UNAT

Manifest abuse

Jurisdiction / receivability (UNDT or first instance)

Applicable Law

UNAT Statute

- Article 9.2

Related Judgments and Orders

UNDT/2012/069

2010-UNAT-062