

# 2014-UNAT-437, Charles

## UNAT Held or UNDT Pronouncements

UNAT considered two appeals by the staff member of UNDT Order Nos. 109 and 110. UNAT held that the appeals were receivable because they were addressed against judicial decisions which disposed the cases before UNDT. Finding that the two appeals raised the same legal issues, UNAT consolidated them in the interest of judicial economy and consistency. UNAT held that there was no merit in the Secretary-General's observations about the non-receivability of the appeals. UNAT held, however, that the motions for reinstatement were in fact non-receivable ab initio. UNAT held that there was no statutory authority to reinstate an application withdrawn by an Applicant. UNAT dismissed both appeals and affirmed the UNDT Orders.

## Decision Contested or Judgment/Order Appealed

The Applicant filed a first application to contest the decision to fill several P-4 level posts without issuing specific vacancy announcements. The Applicant filed a second application to challenge several "administrative decisions" pertaining to his performance assessment process for the periods of 2010 to 2011 and 2011 to 2012. Later, the Applicant filed notices of withdrawal of his two applications. By Order No. 30 (NY/2012) and Order No. 36 (NY/2012), UNDT closed the cases. In two motions the Applicant requested the reinstatement of his applications. By "Orders on Motions for Reinstatement" (Order Nos. 109 (NY/2013) and 110 (NY/2013)), UNDT rejected both motions. UNDT stated that its Rules of Procedure only outline three situations in which UNDT, at the request of a party, may reopen a case after its final disposal, namely if this party applies for revision, interpretation, or correction of judgment. UNDT found that the Applicant's requests were not covered by these articles nor were they otherwise specifically envisioned in the Rules of Procedure.

## Legal Principle(s)

UNDT and UNAT have no powers beyond those conferred under their respective statutes. There is no statute authorising reinstatement of an application by UNDT or UNAT.

## Outcome

Appeal dismissed on merits

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Charles

## Entity

DM

## Case Number(s)

2013-499

2013-502

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

27 Jun 2014

## President Judge

Judge Simón

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Jurisdiction / receivability (UNAT)

Appeal

Jurisdiction / receivability (UNDT or first instance)

Subject matter (ratione materiae)

Procedure (first instance and UNAT)

## Applicable Law

UNAT RoP

- Article 7

UNDT Statute

- Article 7