

2014-UNAT-456, Pirnea

UNAT Held or UNDT Pronouncements

UNAT considered both an application for Revision of judgment No. 2013-UNAT-311 and a motion for confidentiality filed by Mr Pirnea. On the application for revision of judgment, UNAT held that Mr Pirnea did not set forth a new fact that was unknown to both him and UNAT at the time the judgment was rendered. Thus, his application did not come within the grounds for revision set forth in Article 11(1) of the UNAT Statute and Article 24 of the UNAT Rules of Procedure. On the motion for confidentiality, UNAT noted that the motion was late, and it was unlikely that confidentiality could be achieved or implemented after the judgment had been published for over a year. UNAT further noted that Mr Pirnea did not show any greater need than any other litigant for confidentiality and that his general discomfort with having his name attached to the judgment was not grounds to grant the motion. UNAT dismissed the application for revision and denied the motion for confidentiality.

Decision Contested or Judgment/Order Appealed

Mr Pirnea challenged the decision not to renew his fixed-term appointment, claiming that the Administration had improperly exercised its discretion and violated his due process rights. He also claimed that he was due Daily Subsistence Allowance (DSA). In judgment No. UNDT/2012/068, UNDT found for Mr Pirnea. On appeal, in judgment No. 2013-UNAT-311, UNAT determined that the UNDT erred: (1) in determining that there was no valid reason for not renewing Mr Pirnea's contract and in finding bias against Mr Pirnea; and (2) in receiving the claim for DSA because Mr Pirnea had not sought management review in a timely manner of that claim. UNAT vacated the UNDT judgment No. UNDT/2012/068.

Legal Principle(s)

A successful application for revision of judgment must show: (1) a new fact which, at the time the judgment was rendered, was unknown to UNAT and the moving party; (2) that such ignorance was not due to the negligence of the moving party; and (3) that the new fact would have been decisive in reaching the original decision. The judgments of UNAT shall be published, while protecting personal data, and made generally available by the Registry of UNAT, and they will normally include the names of the parties. Public dissemination of the appellate judgments helps to assure there is transparency in the operations of UNAT and means that the conduct of individuals who are identified in the published decisions, whether they are parties or not, becomes part of the public purview.

Outcome

Revision, correction, interpretation or execution

Full judgment

[Full judgment](#)

Applicants/Appellants

Pirnea

Entity

UNDP

Case Number(s)

2013-507

Tribunal

UNAT

Registry

New York

Date of Judgement

27 Jun 2014

President Judge

Judge Chapman

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Judgment-related matters

Revision of Judgment

Applicable Law

UNAT RoP

- Article 20.2
- Article 24

UNAT Statute

- Article 10.9
- Article 11.1

Related Judgments and Orders

2013-UNAT-311

2013-UNAT-292

2011-UNAT-102