

# 2015-UNAT-554, Chaaban

## UNAT Held or UNDT Pronouncements

UNAT had before it an appeal of judgment No. UNRWA/DT/2014/017. UNAT noted that judgment No. 2013-UNAT-963 was a final judgment and therefore the Appellant's case was *res judicata*, which meant that the Appellant was precluded from raising his claim again. UNAT held that UNRWA DT made no error in finding the Appellant's application manifestly inadmissible and dismissing it without referring it to the Commissioner-General. UNAT held as unsustainable the Appellant's claim that UNRWA DT erred in law when it considered his application was an application against judgment No. 2013-UNAT-363. UNAT held that the Appellant had no *locus standi* to bring the appeal and dismissed it. Noting that it had no doubt that the Appellant fully understood the legal effect of the previous decision of UNAT, and that the Appellant continued to defy the judgments of both UNRWA DT and UNAT that his claim was not receivable, UNAT held that the Appellant manifestly abused the appeals process by deliberately filing an appeal that was blatantly frivolous and vexatious. UNAT held that the Commissioner-General had made his case for an order for costs against the Appellant. UNAT dismissed the appeal, affirmed the UNRWA DT judgment, awarded costs of USD 9,600 against the Appellant and directed the UNAT Registrar not to accept any filing from the Appellant until such costs were paid.

## Decision Contested or Judgment/Order Appealed

The Applicant filed a series of appeals pertaining to his non-selection to take a written test for two posts. In judgment No. UNRWA/DT/2012/038, UNRWA DT rejected his claim as non-receivable *ratione temporis*. In judgment No. 2013-UNAT-363, UNAT dismissed the appeal and affirmed UNRWA DT's time-bar finding. The Applicant then filed an application contesting judgment No. UNRWA/DT/2012/038/Corr. 1 and judgment No. 2013-UNAT-363. In judgment No. UNRWA/DT/2014/017, UNRWA DT summarily dismissed the application as manifestly inadmissible.

## Legal Principle(s)

The authority of a final judgment (*res judicata*) cannot be readily set aside.

## Outcome

Appeal dismissed on receivability

Full judgment

[Full judgment](#)

Applicants/Appellants

Chaaban

Entity

UNRWA

Case Number(s)

2014-639

Tribunal

UNAT

Registry

New York

Date of Judgement

2 Jul 2015

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Abuse of process before UNDT/UNAT

Costs

Manifest abuse

Jurisdiction / receivability (UNDT or first instance)

Temporal (ratione temporis)

Applicable Law

UNAT Statute

- Article 9.2

Related Judgments and Orders

2013-UNAT-363

2010-UNAT-063

2010-UNAT-026bis

2012-UNAT-198