

# 2015-UNAT-567, Fedorchenko

## UNAT Held or UNDT Pronouncements

UNAT had before it an application for correction of judgment and an application for interpretation of judgment for judgment No. 2015-UNAT-499, both submitted by Mr Fedorchenko. UNAT held that Mr Fedorchenko's applications did not come within the criteria set forth in the relevant statutory provisions. On the application for correction, UNAT held that Mr Fedorchenko did not cite any clerical or arithmetical mistake to justify a correction of judgment and failed to identify any meaning or scope of the judgment to justify interpretation or identify which sentences or words were unclear or ambiguous. On ICAO's request for costs on the basis that the applications were frivolous and filing them constituted an abuse of process, UNAT held that it was not inclined to award costs against Mr Fedorchenko despite the burden on the Respondent in having to defend against the applications. UNAT advised Mr Fedorchenko that he might be subject to an award of costs if he continued to file frivolous motions. UNAT denied the Respondent's request for costs. UNAT dismissed the applications for correction and interpretation of judgment.

## Decision Contested or Judgment/Order Appealed

Previous UNAT judgment: Mr Fedorchenko contested alleged irregularities in an investigation. In judgment No. 2015-UNAT-499, UNAT granted, in part, Mr Fedorchenko's appeal and remanded the case to the ICAO Advisory Joint Appeals Board.

## Legal Principle(s)

An application seeking review of a final judgment rendered by UNAT can only succeed if it fulfils the strict and exceptional criteria established under its Statute.

## Outcome

Revision, correction, interpretation or execution

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Fedorchenko

## Entity

ICAO

## Case Number(s)

2015-716

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

2 Jul 2015

## President Judge

Judge Simón

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Judgment-related matters

## Applicable Law

UNAT RoP

- Article 25
- Article 26

UNAT Statute

- Article 11
- Article 11.2
- Article 9.2

## Related Judgments and Orders

2015-UNAT-499

2013-UNAT-394

2015-UNAT-497