

2015-UNAT-576, Harrich

UNAT Held or UNDT Pronouncements

UNAT held that a staff member cannot extend the statutory deadline to appeal by filing post-judgment motions. UNAT noted that to hold otherwise would allow the parties to set their own deadlines for appeal of a UNDT judgment and undermine the mandatory nature of the statutory deadline in Article 7.1(c) of the UNAT Statute. UNAT dismissed the appeal as time-barred.

Decision Contested or Judgment/Order Appealed

The staff member filed a motion for correction of judgment UNDT/2014/109 (UNDT judgment), which UNDT denied. The staff member filed a second motion for correction of the UNDT judgment, arguing that UNDT made erroneous factual findings in the judgment. UNDT denied the second motion. The staff member subsequently filed an appeal against the UNDT judgment more than a month after the expiration of the 60-day time limit for filing an appeal. The staff member argued that the 60-day deadline ran from the date that his second motion for correction of judgment was denied on 4 September 2014 and that his appeal was therefore timely.

Legal Principle(s)

An application for correction of a UNDT judgment (or other post-judgment motions) does not extend the time limit for filing an appeal against the UNDT judgment on the merits.

Outcome

Appeal dismissed on receivability

Full judgment

[Full judgment](#)

Applicants/Appellants

Harrich

Entity

OCHA

Case Number(s)

2014-670

Tribunal

UNAT

Registry

New York

Date of Judgement

30 Oct 2015

President Judge

Judge Chapman

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Judgment-related matters

Correction of Judgment

Jurisdiction / receivability (UNAT)

Appeal

Temporal (ratione temporis)

Applicable Law

UNAT Statute

- Article 7.1

Related Judgments and Orders

UNDT/2014/109

2015-UNAT-542

2015-UNAT-524

2014-UNAT-481

2012-UNAT-275

2015-UNAT-557

2014-UNAT-470

2011-UNAT-144

2013-UNAT-373