

2016-UNAT-694, Monarawila

UNAT Held or UNDT Pronouncements

UNAT considered the Appellant's appeal, in which she alleged that UNDT acted inappropriately in granting a summary judgment, that UNDT erred on a question of fact, resulting in a manifestly unreasonable decision, and that UNDT exceeded its jurisdiction or competence in awarding costs against her. UNAT held that it was entirely appropriate after the case management process had been concluded, for the UNDT to grant a summary judgment and that there was no legitimate inference that its decision to do so was influenced by any bias or prejudgment on the part of the Presiding Judge. UNAT also held that UNDT was correct in fact and in law in holding that the Appellant's application was not receivable. UNAT held that UNDT was correct in finding that it lacked jurisdiction *ratione temporis* in relation to the request for leave, and *ratione materiae* in relation to the other decisions, because the Appellant had failed when seeking management evaluation in relation to the latter in January 2015, to clearly identify the decisions that she was contesting when she submitted a request for management evaluation. Moreover, UNAT held that UNDT did not err in ordering the Appellant to pay costs for abuse of the proceedings. UNAT held that the Appellant abused the process by pursuing the matter after she had been explicitly made aware in the CMDs, more than once, of the problems in the pleading of her case and had been directed by the Judge specifically to better particularize her claims and to address the issues of receivability, which she then failed to do in a meaningful fashion. UNAT held that UNDT reasonably exercised its discretion and that the amount she was ordered to pay was proportionate. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision denying her annual leave in 2010 for the full period that she had requested, although she did not explicitly state so in her application. The Applicant claimed that she was exposed to an "unfriendly working environment that resulted in the gradual deterioration of [her] mental health and wellbeing in connection with improper administrative decisions." With regard to the decision concerning the Appellant's annual leave, UNDT noted that the Applicant filed her application to the UNDT in April 2015, more than three years after her receipt of the contested decision. UNDT accordingly held that the application concerning the denial of the request for annual leave was not receivable in terms of Article 8(4) of the UNDT Statute. As for the implied decisions in relation to her job description and workload, UNDT held that the Applicant had not clearly identified them in her request for management evaluation. UNDT dismissed the application on the grounds that the Applicant failed to identify any reviewable administrative decisions. UNDT also ordered costs in the amount of USD 500 against the Appellant, in terms of Article 10(6) of the UNDT Statute, on the ground that she manifestly abused the proceedings by her persistence in advancing legally unsustainable contentions, despite guidance offered at the case management discussions (CMDs).

Legal Principle(s)

UNDT has broad discretion with respect to case management and is in the best position to decide what is appropriate for the fair and expeditious disposal of a case and doing justice to the parties. Not all procedural errors will justify interfering with a judgment of the UNDT. The error must be shown to have affected the decision of the case. In that sense, it must be material to the outcome. Applications must be filed within the stipulated deadlines. Groundless, frivolous, and vexatious applications are, by their nature, an abuse of process, and UNDT is encouraged to award costs against parties who engage in such behaviour.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Monarawila

Entity

UNJSPF

Case Number(s)

2016-924

Tribunal

UNAT

Registry

New York

Date of Judgement

28 Oct 2016

President Judge

Judge Murphy

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Abuse of process before UNDT/UNAT

Costs

Jurisdiction / receivability (UNDT or first instance)

Subject matter (ratione materiae)

Temporal (ratione temporis)

Applicable Law

UNDT RoP

UNDT Statute

- Article 10.6
- Article 8.1(d)
- Article 8.3
- Article 8.4

Related Judgments and Orders

UNDT/2016/019

2016-UNAT-654

2015-UNAT-566

2013-UNAT-349

2015-UNAT-593

2013-UNAT-354

2013-UNAT-329

2015-UNAT-600