

2017-UNAT-775, Onifade

UNAT Held or UNDT Pronouncements

UNAT considered Mr Onifade's application for revision of judgment No. 2016-UNAT-668. UNAT held that there was no evidence before it to support the application. UNAT held that Mr Onifade had failed to show that the first MOP form was unknown to him at the time the judgment was rendered and he had presented no decisive fact which was, at the time the judgment was rendered, unknown to him and UNAT. UNAT held that the application did not meet the criteria established under Article 11(1) of the UNAT Statute and Article 24 of the UNAT RoP. UNAT held that the application had no merit and dismissed it.

Decision Contested or Judgment/Order Appealed

Previous UNAT judgment: Mr Onifade contested the disciplinary measure of separation from service with compensation in lieu of notice and termination indemnity for misconduct. The misconduct took the form of including false information in movement of personnel (MOP) forms, which he approved in his official capacity on two occasions and allowing another person to reside in his UNMISS-provided residence without requesting or obtaining the required authorization. In judgment No. 2016-UNAT-668, UNAT dismissed Mr Onifade's appeal and affirmed the UNDT judgment in its entirety. UNAT confirmed the UNDT's conclusions that the investigation was not ultra vires and that Mr Onifade's due process rights were respected during the investigation and disciplinary stages. UNAT determined that UNDT correctly found that the facts were established by clear and convincing evidence, that the finding of misconduct was warranted, and that the sanction was proportionate to the offence.

Legal Principle(s)

A party may apply for revision of a judgment on the basis of the discovery of a decisive fact, which was, at the time the judgment was rendered, unknown to UNAT and the party, provided that such ignorance was not due to negligence.

Outcome

Revision, correction, interpretation or execution

Full judgment

[Full judgment](#)

Applicants/Appellants

Onifade

Entity

UNOHCI

Case Number(s)

2017-1056

Tribunal

UNAT

Registry

New York

Date of Judgement

14 Jul 2017

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Judgment-related matters

Revision of Judgment

Applicable Law

UNAT RoP

- Article 24

UNAT Statute

- Article 11

Related Judgments and Orders

2016-UNAT-668