

# **2017-UNAT-796, Porter**

## UNAT Held or UNDT Pronouncements

UNAT considered the appeal of the Secretary-General. UNAT held that the paragraphs of the UNDT judgment in question were in a plain, unambiguous language that left no reasonable doubt as to their meaning and that they required no interpretation. UNAT held that UNDT erred in law in holding that the application for interpretation was receivable. UNAT held that UNDT should have dealt with the claim for interest in its judgment, but it omitted to do so. UNAT held that UNDT exceeded its competence by wrongly applying Article 12(3) of the UNDT Statute to alter the substance of its final ruling by adding additional relief in the form of an award of interest. UNAT held that the proper procedure to challenge the UNDT judgment, which clearly failed to adjudicate his claim for interest, was to bring an appeal before UNAT. UNAT dismissed the staff member's claim for additional moral damages as he had not filed a cross-appeal against the UNDT award. UNAT dismissed the staff member's claim for punitive damages as having no legal foundation as UNAT is not competent to award punitive damages. UNAT allowed the appeal and vacated the UNDT judgment.

## Decision Contested or Judgment/Order Appealed

The Applicant submitted an application for interpretation of judgment No. UNDT/2016/096. UNDT found that the application was receivable and that the Secretary-General had correctly calculated compensation from the time of separation but failed to add the accrued interest to which the Applicant was entitled. UNDT ordered the Secretary-General to add pre-judgment interest on the compensation already paid from the date of separation to the date of payment.

## Legal Principle(s)

Interpretation is only needed to clarify the meaning of a judgment when it leaves reasonable doubt about the will of the Tribunal or the arguments leading to a decision. If a judgment is comprehensible, whatever opinion the parties may have about it or its reasons, an application for interpretation is not admissible.

## Outcome

Appeal granted

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Porter

## Entity

UNAMI

## Case Number(s)

2017-1081

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

27 Oct 2017

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Judgment-related matters

Interpretation of Judgment

Jurisdiction / receivability (UNDT or first instance)

Subject matter (*ratione materiae*)

## Applicable Law

UNDT RoP

- Article 30

UNDT Statute

- Article 12.3

## Related Judgments and Orders

UNDT/2017/024