

2017-UNAT-808, Likukela

UNAT Held or UNDT Pronouncements

UNAT considered an application for revision of judgment No. 2017-UNAT-737 filed by Ms Likukela. As a preliminary matter, UNAT denied her motion to supply additional filings. UNAT held that Ms Likukela presented no new and/or decisive fact which at the time the judgment was rendered was unknown within the meaning of Article 11(1) of the UNAT Statute. UNAT dismissed the application for revision and affirmed the UNAT judgment.

Decision Contested or Judgment/Order Appealed

Previous UNAT judgment: The Applicant contested an Advisory Board on Compensation Claims (ABCC) recommendation for her compensation claim relating to an injury. UNDT rejected the application in its entirety and found that it had no jurisdiction to examine the decision of the Secretary-General based on the recommendation of the ABCC, which was based on medical advice. In judgment No. 2017-UNAT-737 UNAT held that: UNDT correctly held itself not competent to make medical findings contradicting the medical evidence adduced by the ABCC; UNDT did not err in concluding that the ABCC's recommendation had no connection with the attempted recovery of monies allegedly paid to her by the United Nations Federal Credit Union by mistake; and UNDT was correct in finding the proper way for the Appellant to request reconsideration of the medical findings was for her to request, pursuant to Article 17 of Appendix D, that her matter be re-examined by a group of medical experts, which she had failed to do. UNAT dismissed the appeal.

Legal Principle(s)

A revision of a judgment is a review procedure which is corrective in nature and not an opportunity for an applicant to reargue his or her case.

Outcome

Revision, correction, interpretation or execution

Full judgment

[Full judgment](#)

Applicants/Appellants

Likukela

Entity

UNMIT

Case Number(s)

2017-1094

Tribunal

UNAT

Registry

New York

Date of Judgement

27 Oct 2017

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Judgment-related matters

Revision of Judgment

Jurisdiction / receivability (UNDT or first instance)

Subject matter (*ratione materiae*)

Applicable Law

UNAT RoP

- Article 24

UNAT Statute

- Article 11.1

Related Judgments and Orders

2017-UNAT-719

2017-UNAT-775

2013-UNAT-351

2013-UNAT-392