

2018-UNAT-816, Harris

UNAT Held or UNDT Pronouncements

UNAT denied the request for an oral hearing since the factual and legal issues of the appeal were clearly defined. UNAT rejected to annex a medical report as evidence since the Appellant had not filed a motion, finding that the admission of documents was not in the interest of justice and the efficient and expeditious resolution of the proceedings. UNAT held that the appeal was not receivable *ratione materiae*, considering that the UNDT Statute, in unequivocal terms, provides that the decision of UNDT on an application for suspension of action shall not be subject to appeal. UNAT dismissed the appeal.

Decision Contested or Judgment/Order Appealed

The Applicant filed an application for suspension of action of the decision to separate him from service due to abandonment of post. UNDT issued an Order finding that the decision to separate the Applicant from service was lawful and dismissed the application.

Legal Principle(s)

UNAT may receive additional evidence in exceptional circumstances if it is in the interest of justice and the efficient and expeditious resolution of the proceedings. A decision of the UNDT on an application for suspension of action shall not be subject to appeal. There is one exception to this rule: An appeal against interlocutory decisions can be receivable in cases where UNDT clearly exceeded its competence or jurisdiction.

Outcome

Appeal dismissed on receivability

Full judgment

[Full judgment](#)

Applicants/Appellants

Harris

Entity

UNFIL

Case Number(s)

2017-1105

Tribunal

UNAT

Registry

New York

Date of Judgement

22 Mar 2018

President Judge

Judge Knierim

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Evidence

Medical evidence

Interlocutory or interim appeal / Appeal of UNDT order to UNAT

Suspension of action

Jurisdiction / receivability (UNAT)

Subject matter (*ratione materiae*)

Applicable Law

UNAT RoP

- Article 10.1

UNAT Statute

- Article 18.1
- Article 2.5
- Article 8.1
- Article 8.3

UNDT RoP

UNDT Statute

- Article 2.2

Related Judgments and Orders

2016-UNAT-655

2016-UNAT-671

2010-UNAT-062