

2018-UNAT-846, Muindi

UNAT Held or UNDT Pronouncements

The Applicant requests clarification as to which date should be considered his separation date from the IMO for purposes of determining his separation entitlements when the IMO Secretary-General opted for in-lieu compensation of 12 months' net base salary at the rate in effect in March 2016. His request for interpretation refers to the legal consequences of judgment No. 2017-UNAT-782 regarding his separation date which goes beyond an application for interpretation of the meaning and scope of a judgment provided under Article 11(3) of the Statute and Article 25 of the Rules of Procedure. UNAT noted that since the Applicant's separation date was not part of the prior judgment, there could be no interpretation in this regard. UNAT also held that since it did not previously order the IMO Secretary-General to pay interest on the in-lieu compensation, there was no unclarity or ambiguity in the previous judgment. UNAT held that the application was not admissible and rejected it.

Decision Contested or Judgment/Order Appealed

The individual contested the decision of the IMO Secretary-General that confirmed the decision of summary dismissal against him for serious misconduct. UNAT granted the appeal in part and ordered the rescission of the prior decision of summary dismissal and, in the alternative, payment of one year's net base salary at the rate in effect in March 2016.

Legal Principle(s)

An application for interpretation will be admitted if the parties disagree on the meaning or scope of a judgment because it is unclear or ambiguous.

Outcome

Revision, correction, interpretation or execution

Full judgment

[Full judgment](#)

Applicants/Appellants

Muindi

Entity

IMO

Case Number(s)

2017-1133

Tribunal

UNAT

Registry

New York

Date of Judgement

29 Jun 2018

President Judge

Judge Knierim

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Judgment-related matters

Interpretation of Judgment

Applicable Law

UNAT RoP

- Article 25

UNAT Statute

- Article 11.3

Related Judgments and Orders

2017-UNAT-782