

2019-UNAT-908, Rockcliffe

UNAT Held or UNDT Pronouncements

Ms Rockcliffe filed an application for execution of UNAT judgment No. 2017-UNAT-807. UNAT held that the crux of the matter for determination was whether Ms Rockcliffe's appointment to and her removal from, the Budget Working Group (BWG) in 2018 fell within the scope of UNAT's order in the judgment. UNAT held that, although UNAT had not explicitly addressed the issue of conflict of interest in its judgment, it impliedly rejected it by means of applying the law in force at the time. UNAT held that it was egregious that UNJSPF re-submitted that the previous decision not to give Ms Rockcliffe access and to deny her participation would constitute a conflict of interest. UNAT held that UNJSPF was attempting to bypass the order of UNAT by prohibiting Ms Rockcliffe from participating in the BWG. UNAT ordered that Ms Rockcliffe be allowed to participate as an appointed member of the BWG, without prejudice to her recusing herself when an actual conflict of interest emerged. UNAT partly granted the application for execution of the judgment and vacated the decision to remove Ms Rockcliffe's name from the list of members appointed to the BWG.

Decision Contested or Judgment/Order Appealed

Previous UNAT judgment: UNAT determined that the decision by the Standing Committee of UNJSPF to deny Ms Rockcliffe, a duly elected participants' representative, access to the Pension Board documents and to prevent her from participating in any formal preparations for the Pension Board sessions and meetings, and its constituent groups, committees, and working groups, was not in accordance with the law and was therefore flawed. UNAT ordered that Ms Rockcliffe be granted access to all relevant Pension Board documents and be allowed to participate and function in all relevant areas including the preparations for the Pension Board sessions and meetings, and its constituent groups, committees, and working groups.

Legal Principle(s)

Where a judgment requires execution within a certain period of time and such execution has not been carried out, either party may apply to UNAT for an order for execution of judgment.

Outcome

Appeal granted in part

Outcome Extra Text

No relief ordered; No relief ordered.

Full judgment

[Full judgment](#)

Applicants/Appellants

Rockcliffe

Entity

UNJSPF

Case Number(s)

2018-1201

Tribunal

UNAT

Registry

New York

Date of Judgement

29 Mar 2019

President Judge

Judge Lussick

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Judgment-related matters

Execution of Judgment

Applicable Law

UNAT RoP

- Article 27

UNAT Statute

- Article 11.4