

2020-UNAT-1048, Ross

UNAT Held or UNDT Pronouncements

The Applicant sought revision of judgment 2019-UNAT-944 pursuant to Article 11(1), which sets out strict and exceptional criteria that must be met. The Applicant alleged he became aware, in January 2020, that the Inspector General's Office (IGO) of UNHCR had not made a finding on whether the hiring manager's conduct amounted to misconduct. The Applicant contended that the Respondent had made misleading comments to UNAT, which led the latter to erroneously conclude that the IGO had investigated and determined that no misconduct had occurred. In addition, the Applicant sought leave to submit additional pleadings, a referral for accountability enforcement, an award of costs and compensation for additional moral harm. UNAT held that it was clear from communications and submissions on record that both the Applicant and UNAT were aware that the IGO had not conducted a formal investigation and therefore, UNAT did not accept that the Applicant had first become aware of this fact in January 2020. Accordingly, UNAT held that it could not be considered a newly discovered fact to warrant a revision. In the alternative, UNAT held that the fact that the IGO did not conduct a formal investigation was not a material fact which, had it been known, would have impacted the UNAT judgment. UNAT refused the Applicant's request for leave to submit pleadings to respond to the Secretary-General's comments, on the basis that the Applicant already had the opportunity to respond to this information before UNDT and UNAT and no exceptional circumstances existed. UNAT refused the Applicant's request for a referral for accountability and costs against the Administration as these matters had already been litigated and refused by UNAT. UNAT refused the Applicant's request for moral harm on the basis that it was a new claim presented for the first time in an application for revision and UNAT did not accept that compensation was available for alleged harm deriving from a judicial determination. UNAT dismissed the application for revision of the judgment.

Decision Contested or Judgment/Order Appealed

The Applicant disputed his non-selection for a position. In judgment 2019-UNAT-944, UNAT dismissed the appeal and confirmed UNDT's determination that he had received full and fair consideration for the position.

Legal Principle(s)

Any application which seeks revision of a final judgment rendered by UNAT can only succeed if it fulfils the strict and exceptional criteria established by Article 11(1) of the UNAT Statute.

Outcome

Revision, correction, interpretation or execution

Full judgment

[Full judgment](#)

Applicants/Appellants

Ross

Entity

UNHCR

Case Number(s)

2020-1359

Tribunal

UNAT

Registry

New York

Date of Judgement

30 Oct 2020

President Judge

Judge Sandhu

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Judgment-related matters

Revision of Judgment

Applicable Law

UNAT RoP

- Article 24

UNAT Statute

- Article 11.1

Related Judgments and Orders

2019-UNAT-944

2015-UNAT-573

2011-UNAT-128

2013-UNAT-392

2011-UNAT-129

2018-UNAT-890