

# 2020-UNAT-1058, Nadeau

## UNAT Held or UNDT Pronouncements

UNAT considered an appeal by Mr Nadeau of Order No. 184 and his request that both Order Nos. 184 and 169 be rescinded. UNAT held that he did not demonstrate that UNDT had clearly exceeded its jurisdiction or competence in rejecting his request for new documents to be introduced into evidence. UNAT noted that the issue could be raised on appeal against the final judgment on the merits. UNAT is competent to review whether certain facts remained unresolved at the UNDT level and to consider the need for factual determinations based on the whole of the relevant evidence. UNAT dismissed the appeal.

## Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to terminate his continuing appointment for unsatisfactory performance. As part of the proceedings, UNDT issued Case Management Order Nos. 184 (NY/2019) and 169 (NY/2019). The Applicant then filed an appeal against Order No. 184 (NY/2019) and requested that Order Nos. 184 (NY/2019) and 169 (NY/2019) be rescinded and that the case be remanded to UNDT.

## Legal Principle(s)

UNDT has broad discretion with respect to case management. Interlocutory appeals on matters of evidence, procedure, and trial conduct are not receivable. An interlocutory appeal is only receivable in cases where UNDT has clearly exceeded its jurisdiction or competence. If UNDT errs in law in making an interlocutory decision and the issue can be properly raised later in an appeal against the final judgment on the merits, there is no need to allow an appeal against the interlocutory decision.

## Outcome

Appeal dismissed on receivability

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Nadeau

## Entity

OIOS

## Case Number(s)

2020-1357

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

30 Oct 2020

## President Judge

Judge Neven

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Interlocutory or interim appeal / Appeal of UNDT order to UNAT

Manifest excess of jurisdiction

Receivability

## Applicable Law

UNAT Statute

- Article 2.1

UNDT RoP

- Article 19

## Related Judgments and Orders

2019-UNAT-940

2016-UNAT-641

2010-UNAT-060

2010-UNAT-005

2010-UNAT-008

2010-UNAT-062

2011-UNAT-160

2019-UNAT-975

2016-UNAT-694