

2020-UNAT-1059, Bezziccheri

UNAT Held or UNDT Pronouncements

UNAT considered an application for revision of judgment No. 2019-UNAT-948 by Ms Bezziccheri. UNAT considered Ms Bezziccheri's claim that ST/AI/2019/1 was unknown to her and UNAT at the time the judgment was issued. Noting the three elements that an applicant for revision must establish cumulatively before a final judgment of UNAT can be revised, UNAT held that the fact that ST/AI/2019/1 was known to UNAT when it issued its judgment (as it had been referred to therein) was sufficient in and of itself to fail the cumulative test. Further, UNAT noted that ST/AI/2019/1 was not determinative of Ms Bezziccheri's case, but that it was referred to by UNAT as a non-binding suggestion to help the parties. UNAT dismissed the application for revision.

Decision Contested or Judgment/Order Appealed

In judgment No. 2019-UNAT-948, UNAT dismissed the Appellant's appeal and affirmed the decision of UNDT in which it had declined to recommend her for consideration for a disability benefit by the United Nations Staff Pension Committee (UNSPC).

Legal Principle(s)

The three elements that an applicant for revision must establish cumulatively before a final judgment of UNAT can be revised are: (1) the previously absent fact must be decisive of the case; (2) that fact must have been unknown to UNAT and the Applicant at the time the UNAT judgment was rendered; and (3) such ignorance of the fact cannot have been attributable to negligence, presumably of the applicant.

Outcome

Revision, correction, interpretation or execution

Full judgment

[Full judgment](#)

Applicants/Appellants

Bezziccheri

Entity

UNODC

Case Number(s)

2020-1360

Tribunal

UNAT

Registry

New York

Date of Judgement

30 Oct 2020

President Judge

Judge Colgan

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-948

2017-UNAT-735

2013-UNAT-321