

2021-UNAT-1129, Applicant

UNAT Held or UNDT Pronouncements

UNAT granted the application for correction. The Tribunal stated that the misidentification of the superior was an accidental error and was factually incorrect. The Tribunal, however, added that this error had little or no bearing on the outcome of the case. Regarding the request for further explanation on the Judgment, UNAT dismissed the request finding that the Judgment is comprehensible and that this was a mere attempt by the staff member to criticize the Judgment.

Decision Contested or Judgment/Order Appealed

A staff member challenged the decision of the Administration not to pursue disciplinary action against one of his superiors. The UNDT held the investigation was proper but that it was too lengthy and accordingly awarded the applicant moral damages. The staff member appealed the UNDT Judgment, and UNAT dismissed the appeal finding other than the delay, there were no procedural flaws in the investigation. UNAT also found that it was within the Secretary-General's discretion to decide whether to initiate a disciplinary process and that the compensation awarded to the staff member for the delay was fair and reasonable. In the UNAT Judgment, the Tribunal referred to the staff member's superior as his First Reporting Officer. The staff member seeks correction of the Judgment because the superior was neither his direct First Reporting Officer nor his Second Reporting Officer. The staff member also requested that the Tribunal clarify as to why certain actions of the superior did not constitute prohibited conduct under the applicable law. The Secretary-General did not object to the application for correction regarding the misidentification of the superior as the staff member's First Reporting Officer. Regarding the second prong of the application, the Secretary-General objected and argued that it was a veiled attempt by the staff member to relitigate the issues.

Legal Principle(s)

Clerical or arithmetical mistakes, or errors arising from any accidental slip or omission, may at any time be corrected by the Appeals Tribunal, either on its own motion or on the application of any of the parties. An application for interpretation is only needed to clarify the meaning of a judgment when it leaves reasonable doubts about the will of the Tribunal or the arguments leading to a decision.

Outcome

Appeal granted in part

Outcome Extra Text

The application for correction is granted, and Judgment No. 2020-UNAT-1001 is amended by deleting all reference to "First Reporting Officer". The application for interpretation is dismissed.

Full judgment

[Full judgment](#)

Applicants/Appellants

Applicant

Entity

OIOS

Case Number(s)

2020-1424

Tribunal

UNAT
Registry
New York
Date of Judgement
25 Jun 2021
President Judge
Judge Sandhu
Language of Judgment
English
Issuance Type
Judgment
Categories/Subcategories
Judgment-related matters
Appeals of final judgments
Correction of Judgment
Interpretation of Judgment
Applicable Law
UNAT RoP

- Article 26

UNAT Statute

- Article 11

Related Judgments and Orders
2020-UNAT-1001
2013-UNAT-315