

2023-UNAT-1338, Jaime Rodolfo Minzer

UNAT Held or UNDT Pronouncements

The UNAT held that the UNDT correctly pointed out that the only remedy requested by the staff member in his application to the UNDT was the rescission of the administrative decision not to transfer him. Only now on appeal does the staff member raise other claims and additionally requests payment of all salaries and benefits from the date of termination to the date of the UNAT Judgment, including pension benefits and compensation for the material and moral harm inflicted on him, caused by harassment, mistreatment, and unlawful termination. His new requests on appeal cannot be accepted by the Appeals Tribunal. The UNAT found that as the staff member's appointment was terminated and he was separated from service, the UNDT correctly found that his application against the prior decision not to transfer him was moot. Once he was separated from service, it was no longer possible to transfer him to another post and assign him to another supervisor. The issue of the lawfulness of the contested decision had lost all legal relevance, it was no longer a live issue. The UNAT dismissed the appeal and affirmed Judgment No. UNDT/2021/153.

Decision Contested or Judgment/Order Appealed

A former staff member contested the decision to decline his request to be assigned to a new supervisor. In Judgment No. UNDT/2021/153, the UNDT rejected his application as moot. The staff member appealed.

Legal Principle(s)

An appellant cannot bring new claims and arguments before the Appeals Tribunal which were not part of the proceedings before the UNDT. A judicial decision will be moot if any remedy issued would have no concrete effect because it would be purely academic or events subsequent have deprived the proposed resolution of the dispute of practical significance.

Outcome

Appeal dismissed on merits; Appeal dismissed on receivability

Outcome Extra Text

Full judgment

[Full judgment](#)

Applicants/Appellants

Jaime Rodolfo Minzer

Entity

ECLAC

Case Number(s)

2022-1665

Tribunal

UNAT

Registry

New York

Date of Judgement

2 May 2023

President Judge

Judge Knierim

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Appeal

Subject matter (ratione materiae)

Reassignment or transfer

Jurisdiction / receivability (UNAT)

Jurisdiction / receivability (UNDT or first instance)

Applicable Law

UNAT Statute

Related Judgments and Orders

UNDT/2021/153

2017-UNAT-742

2022-UNAT-1201