

2022-UNAT-1193, Carolina Larriera

UNAT Held or UNDT Pronouncements

Ms. Larriera sought revision of the UNAT judgment on the grounds that new decisive facts had emerged from the French government regarding her relationship with the deceased participant of the UNJSPF, Mr. M. Specifically, she maintains that the French government has endorsed the findings of a Brazilian court that she was in a “stable union” with Mr. M., and that this has also been annotated on the death certificate of Mr. M.

UNAT observed that Ms. Larriera’s application for revision was untimely. In addition, UNAT concluded that these allegedly decisive facts occurred in 2021, well after the UNAT issued its 2020 Judgment. Thus, these cannot be considered “new facts” within the meaning of Article 11(1) of the Statute. In addition, UNAT held that these “new facts” did not suggest that the French authorities considered that Mr. M. was divorced from his wife (Ms. M.) or that Ms. Larriera had acquired the status of his spouse at the time of Mr. M.’s death.

UNAT also held that Ms. Larriera’s arguments about alleged errors of the UNAT in interpretation of the law did not bring her application within the parameters of Article 11(1) of the Statute. Her application constitutes a disguised attempt to re-open the case. Her application was thus not receivable.

Decision Contested or Judgment/Order Appealed

Ms. Larriera sought revision of Judgment No. 2020-UNAT-1004, in which the UNAT dismissed her appeal of the decision of the Standing Committee that she was not entitled to a widow's benefit from the UNJSPF.

Legal Principle(s)

Facts which occurred after a judgment has been given are not such facts within the meaning of Article 11 of the UNAT Statute and Article 24 of the UNAT's Rules of Procedure. This remains the case irrespective of the legal consequences that such facts may have.

An application for revision cannot be a collateral means of attack on the judgment, nor can it be allowed to be a second right of final appeal.

Outcome

Revision, correction, interpretation or execution

Outcome Extra Text

The application for revision of Judgment No. 2020-UNAT-1004 was dismissed.

Full judgment

[Full judgment](#)

Applicants/Appellants

Carolina Larriera

Entity

UNJSPF

Case Number(s)

2021-1538

Tribunal

UNAT

Registry

New York

Date of Judgement

14 Apr 2022

President Judge

Judge Raikos

Judge Murphy

Judge Halfeld

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

United Nations Joint Staff Pension Fund (UNJSPF)

Survivor's benefits

Judgment-related matters

Revision of Judgment

Applicable Law

UNAT RoP

- Article 24

UNAT Statute

- Article 11

UNJSPF Regulations

- Article 34

Related Judgments and Orders

2020-UNAT-1004

2021-UNAT-1131

2018-UNAT-890

2015-UNAT-573