

2022-UNAT-1274, Cevat Ozturk

UNAT Held or UNDT Pronouncements

The UNAT held that it was satisfied that execution of the UNDT Judgment (as affirmed by the UNAT) had occurred in Mr. Ozturk's case. The Administration had complied with the UNAT Judgment and exercised its discretion in determining a new, revised amount to be deducted for child support from Mr. Ozturk's salary on the basis of national court orders.

The UNAT observed that Mr. Ozturk appeared only to disagree with the "refund calculation" by the Administration for prior overpayments. However, the UNAT noted that implementation by the Administration of a Tribunal's order constitutes in itself an administrative decision appealable before the UNDT. Accordingly, recourse for the complaints of Mr. Ozturk regarding the "refund calculation", undertaken subsequent to Judgment No. 2018-UNAT-892, is not to be found in an application for execution but rather in Staff Rule 11.2. The latter rule provides the mechanism whereby the complained-of decisions of the Administration can be challenged by the affected staff members.

The UNAT accordingly dismissed the application for execution.

Decision Contested or Judgment/Order Appealed

Mr. Ozturk submitted an application for execution of Judgment No. 2018-UNAT-892, in which the UNAT affirmed a UNDT judgment regarding certain child support payments to be deducted from Mr. Ozturk's salary.

Legal Principle(s)

Article 11(4) of the Appeals Tribunal's Statute provides that where the judgement requires execution within a certain period of time and such execution has not been carried out, either party may apply to the Appeals Tribunal for an order for execution of the judgement.

Outcome

Revision, correction, interpretation or execution

Outcome Extra Text

Application for execution of judgment is dismissed.

Full judgment

[Full judgment](#)

Applicants/Appellants

Cevat Ozturk

Entity

UNMIK

Case Number(s)

2021-1629

Tribunal

UNAT

Registry

New York

Date of Judgement

21 Nov 2022

President Judge
Judge Raikos
Judge Murphy
Judge Colgan
Language of Judgment
English
Issuance Type
Judgment
Categories/Subcategories
Judgment-related matters
Execution of Judgment
Applicable Law
UNAT Statute

- Article 11.4

Related Judgments and Orders

2014-UNAT-494

2012-UNAT-279