

2024-UNAT-1485, Betty Mukomah

UNAT Held or UNDT Pronouncements

The UNAT noted that the applicant had filed the application for revision some three months after she became aware of the decisive facts as identified in the application. The UNAT held that the application had been filed beyond the 30-day time limit and was, therefore, not receivable.

The UNAT found that, in any event, one of the documents had not been in existence at the time of the UNAT Judgment. The UNAT also noted that the document had not been decisive in reaching a decision in the appeal and, for this reason, the application was an attempt to re-litigate the appeal. The UNAT concluded that the application failed to meet the strict and exceptional criteria for requesting revision of a judgment.

The UNAT dismissed the application for revision.

Decision Contested or Judgment/Order Appealed

A former spouse of a staff member filed an application for revision of a prior UNAT Judgment.

The applicant had appealed a decision of the Standing Committee of the United Nations Joint Staff Pension Board rejecting her request for a widow's benefit as she had been divorced from the late participant and determining that she was not eligible to receive a divorced survivor's benefit under Article 35 *bis* of the Regulations, Rules and Pension Adjustment System of the Fund because she had not been married to the late participant for a continuous period of ten years prior to the divorce during which he paid contributions to the Fund.

In Judgment No. 2022-UNAT-1277, the UNAT had dismissed the applicant's appeal and affirmed the decision of the Standing Committee.

The applicant filed an application for revision of the UNAT Judgment on the basis of two documents that had been issued in Kenya after the UNAT Judgment was issued.

Legal Principle(s)

In order to be successful in an application for revision, an applicant must show or identify the decisive facts that at the time of the Appeals Tribunal Judgment were unknown to both the Appeals Tribunal and the party applying for revision; that such ignorance was not due to the negligence of the applicant; that the facts identified would have been decisive in reaching the decision; and that the decisive facts existed at the time when the judgment was given and discovered subsequently.

Facts which occur after a judgment has been given are not decisive facts within the meaning of Article 11(1) of the Statute and Article 24 of the UNAT Rules of Procedure.

An application for revision is not a substitute for an appeal of the Appeals Tribunal's judgment and a party cannot seek revision of a judgment merely because he or she is dissatisfied with it and wants to reargue the case.

Outcome

Revision, correction, interpretation or execution

Outcome Extra Text

The application for revision is dismissed.

Full judgment

[Full judgment](#)

Applicants/Appellants

Betty Mukomah

Entity

UNJSPB

Case Number(s)

2023-1867

Tribunal

UNAT

Registry

New York

Date of Judgement

20 Nov 2024

President Judge

Judge Sandhu

Judge Gao

Judge Savage

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Revision of Judgment

Temporal (ratione temporis)

Survivor's benefits

Judgment-related matters

Jurisdiction / receivability (UNAT)

United Nations Joint Staff Pension Fund (UNJSPF)

Applicable Law

UNAT RoP

- Article 24

UNAT Statute

- Article 11.1

UNJSPF Regulations

- Article 34

Related Judgments and Orders

2022-UNAT-1277

2022-UNAT-1193