

# 568 (2024), Ivan Aguilar Valle

## UNAT Held or UNDT Pronouncements

The UNAT found that the present motion was distinguishable from a typical motion for withdrawal of an appeal: the non-moving party objects to the withdrawal as a revised appeal would enable the Secretary-General to address arguments included in the answer and, second, the Secretary-General still deems it necessary to pursue an appeal. The UNAT held that its reiteration in a recent case that appeals on the merits and relief should be considered together had not been new and was an insufficient basis on which to request the filing of a revised appeal. The UNAT found, however, that when the UNDT had issued separate judgments on liability and relief, the UNAT appreciated a party's concern for preserving rights to appeal a judgment. The UNAT denied the motion for leave to file a revised appeal and decided that the motion to withdraw the first appeal was moot.

## Decision Contested or Judgment/Order Appealed

The UNDT issued Judgment No. UNDT/2024/007 on liability. The Secretary-General appealed. Subsequently, the UNDT issued Judgment No. UNDT/2024/032 on relief. The Secretary-General filed a motion for withdrawal of the appeal of the Judgment on liability and leave to file a revised appeal that would address both UNDT Judgments. Before the expiration of the time limit, the Secretary-General filed the appeal of the UNDT Judgment on relief.

## Legal Principle(s)

As a best practice and for judicial efficiency, appeals on the merits and relief should be considered together. This would be best achieved if the UNDT or the first instance tribunal issued a single judgment addressing both merits and remedies.

## Outcome

Other motion denied

Full order

[Full order](#)

Individual Party

Ivan Aguilar Valle

Entity

UNSSS(UNDSS)

Case Number(s)

2024-1915

Tribunal

UNAT

Registry

New York

Date of Order

15 Jul 2024

President Judge

Judge Gao

Language of Order

English

Appeal Status

Appealed

Issuance Type

Order

Categories/Subcategories

Case management

Procedure (first instance and UNAT)

Applicable Law

UNAT RoP

- Article 18bis

UNAT Statute

- Article 7.1(c)