



UNITED NATIONS APPEALS TRIBUNAL
TRIBUNAL D 'APPEL DES NATIONS UNIES

Roig
(Applicant)

v.

Secretary-General of the United Nations
(Respondent)

JUDGMENT ON CORRECTION

Before:	Judge Inés Weinberg de Roca, Presiding Judge Richard Lussick Judge Sophia Adinyira
Case No.:	2014-552
Date:	17 October 2014
Registrar:	Weicheng Lin

JUDGE INÉS WEINBERG DE ROCA, PRESIDING .

1.

Submissions

Ms. Roig's Application

6. Ms. Roig alleges that the sequence of events and the casual relationships in paragraph 19 of the Judgment at issue are "factually wrong".

7. Before the Dispute Tribunal, she was not appealing the fact that another candidate had been selected. Rather, she was appealing the fact that, as the selected candidate did not possess the minimum requirement for the post, this constituted a violation of her rights to due process.

8. She was informed of the name of the non-eligible but selected candidate only on 17 December 2010. Before that date, she had no reason to file an appeal. If the Judgment were left to stand, it would have devastating effects as it would allow supervisors to select arbitrarily without allowing time for other concerned staff members to appeal.

The Secretary-General's Comments

9. Ms. Roig's application for correction is not receivable, as she seeks to reargue her case and the application does not meet the criteria of Article 11 of the Statute of the Appeals Tribunal (Statute).

10. The discovery of the identity of the successful candidate did not constitute a separate administrative decision that reset the deadline for requesting management evaluation.

Considerations

11. Article 11(2) of the Statute states:

Clerical or arithmetical mistakes, or errors arising therein from any accidental slip or omission, may at any time be corrected by the Appeals Tribunal, either on its own motion or on the application of any of the parties.

Article 26 of the Rules of Procedure of the Appeals Tribunal contains the almost identical language.

12. In the instant case, Judgment No. 2013-UNAT-368 confirmed the UNDT Judgment because Ms. Roig requested management evaluation of the decision of 29 October 2010 on 11 February 2011.

13. There is not any clerical or arithmetical mistake in the Judgment.

14. The Appeals Tribunal emphasizes that the correction procedure is not an opportunity for a party to reargue his or her case!

Original and Authoritative Version: English

Dated this 17th day of October 2014 in New York, United States.

(Signed)

Judge Weinberg de Roca,
Presiding

(Signed)

Judge Lussick

(Signed)

Judge Adinyira

Entered in the Register on this 22nd day of December 2014 in New York, United States.

(Signed)

Weicheng Lin, Registrar