



UNITED NATIONS APPEALS TRIBUNAL
TRIBUNAL D 'APPEL DES NATIONS UNIES

Judgment No. 2024-UNAT-1438

Ann -Christin Raschdorf
(Applicant)

v.

Secretary -General of the United Nations
(Respondent)

JUDGMENT ON REVISION, CORRECTION AND
INTERPRETATION

Before:	Judge Gao Xiaoli, Presiding Judge Katharine Mary Savage Judge Kanwaldeep Sandhu
Case Nos.:	2023-1803, 2023-1806 & 2023-1809
Date of Decision:	22 March 2024
Date of Publication:	8 May 2024
Registrar:	Juliet E. Johnson

Counsel for Applicant:	Self-represented
Counsel for Respondent:	Noam Wiener/Sylvia Schaefer

7. On 17 January 2022, the UNDT issued its Judgment dismissing the application in its entirety. The UNDT found that the application was

Submissions

Ms. Raschdorf's Applications and the Secretary -General's Comments

Application for Revision (Case No. 2023-1803)

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stations and not in others” “means in applied and legal practice”. She also seeks an “interpretation” in relation to the question of whether a documented failure by the Organization to at least offer alternative employment arrangements in principle (like in her case) support a UNJSPF disability claim.aa a

36. In addition, Article 24 of the UNAT Rules of Procedure (Revision of Judgements) reads as follows:

Either party may apply to the Appeals Tribunal, on a prescribed form, for a revision of a judgement on the basis of the discovery of a decisive fact that was, at the time the judgement was rendered, unknown to the Appeals Tribunal and to the party applying for revision, always provided that such ignorance was not due to negligence. The application for revision will be sent to the other party, who has 30 days to submit comments to the Registrar on a prescribed form. The application for revision must be made within 30 calendar days of the discovery of the fact and within one year of the date of the judgement. The brief that accompanies the application for revision and the comments thereon shall not exceed five pages.

37. With these provisions in mind, the issue in this application is to determine whether Ms. Raschdorf identified a decisive fact which was, at the time the UNAT Judgment was rendered, unknown to her and the Appeals Tribunal provided that such ignorance was not due to negligence.

38. With respect of the revision of judgment of this Tribunal, we held in *Shanks* that “[t]here must be an end to the litigation and the stability of the judicial process requires that final judgments by an appellate court be set aside only on limited grounds and for the gravest of reasons”.⁵ We also recall the legal principle in *Costa* that “the authority of a final judgment - *res judicata* - cannot be so readily set aside. There are only limited grounds as enumerated in Article 11 of the Statute of the Appeals Tribunal for review of a final Judgment.”⁶

39. Concerning the “limited grounds” to set aside a UNAT judgment, we said in *RussoGot*:⁷Ape

... It is no exaggeration to say that Mr. Zaqqout alleges that almost every page of the 2020 Judgment contains an error and in many cases, multiple errors. Although not impossible, it is inherently unlikely that this is so and tends to indicate that Mr. Zaqqout, rather than identifying the sorts of errors Article 11 specifies, has instead sought to bring a collateral challenge to the Appeals Tribunal's conclusions with which he disagrees. We have, nevertheless, examined each of those alleged errors identified by Mr. Zaqqout.

... Having considered all the numerous and detailed submissions made by

paragraph 44, but dismiss Ms. Raschdorf's application for correction of the other parts of the UNAT Judgment.

52. With respect to

to a decision. But if the judgment is comprehensible, whatever opinion the parties may have about it or its reasoning, an application for interpretation is not admissible. In *Applicant*, we said:¹¹

... The Applicant is not requesting for an interpretation of the meaning or scope of the judgment but rather is seeking further explanation for its weighing of the evidence and its reasons. This is a veiled attempt to relitigate the issues which is outside the scope of Article 11. The Tribunal has issued a final decision and as such, except for the limited instances outlined in Article 11, the Appeals Tribunal is now *functus officio*.

... We find that the application is a disguised way to criticize the Impugned Judgment or to disagree with it, which is not the intent of Article 11. We have previously held that interpretation is only needed to clarify the meaning of a judgment when it leaves reasonable doubts about the will of the Tribunal or the arguments leading to a decision. But if the judgment is comprehensible, whatever the opinion the parties may have about it or its reasoning, an application for interpretation is not admissible. This is the case here.

58. In this case, Ms. Raschdorf seeks clarification *inter alia* on the following: “contract termination as a result of an exhaustion of sick leave”, “the.4 (su)1. (on)Tj 0 Tc23the sif s3(e)4.33 (e)-2h 2 (sic23t

60. It follows that Ms. Raschdorf's application for interpretation of the UNAT Judgment must be dismissed.

61. The final judgment of this Or-
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