



UNITED NATIONS APPEALS TRIBUNAL
TRIBUNAL D 'APPEL DES NATIONS UNIES



THE UNITED NATIONS APPEALS TRIBUNAL

Judgment No. 2010-UNAT-035

5. Crichlow appealed the decision to reassign

Submissions

Crichlow's Appeal

9. Crichlow requests that an oral hearing be held in her case.
10. She alleges that the UNDT erred (1) in reviewing the UNFPA's approval of her loan to the United Nations Secretariat) (2) its conclusions regarding her 2005 PAD report; (3) in its conclusions regarding he

Secretary-General's Answer

17. The Secretary-General responds that the appeal is time-barred and should be dismissed. The Judgment was issued on 5 October 2009 and transmitted to both parties on 7 October 2009. Under Article 7(1) of the Appeals Tribunal's Statute, an appeal is receivable if filed within 45 calendar days of receipt of the judgment. Crichlow filed her appeal on 15 December 2009, more than three weeks after the deadline. Crichlow did not request a suspension or waiver of the deadline to file her appeal. The Administration has taken action to implement the Judgment following the expiry of the period for filing an appeal. It paid the compensation ordered by the UNDT on 21 December 2009.

18. In the alternative, the Secretary-General submits that Crichlow has not established any errors that would require a reversal of the UNDT Judgment. She essentially raises the same claims as in her application to the UNDT. She has not established any errors of fact or law that would require a reversal of the UNDT's decision to limit itself to reviewing the decision to assign Crichlow to another post within the UNFPA. Contrary to Crichlow's assertion, the original request for administrative review did not refer to the issue of the UNFPA's approval of her loan to the UN Secretariat and the UNDT did not fail to exercise jurisdiction vested in it or err in law in declining to review the UNFPA's approval of her loan to the United Nations Secretariat.

19. The Secretary-General further contends that the UNDT did not commit any errors of fact or law that would require a reversal of the UNDT's conclusions regarding the 2005 and 2006 PAD reports and regarding the rebuttal panel report.

20. The Secretary-General submits that there are no errors of fact or law that would require a reand j1the UNDT dmonh

provide her with a full explanation at the time of her reassignment. The UNDT erred by failing to take such correction into account when ordering the award for compensation.

25. The Secretary-General requests that the month's net base salary ordered in paragraph 94 of the Judgment be vacated.

Crichlow's Answer to Secretary-General's Cross-Appeal

26. In her answer to the Secretary-General's cross-appeal, Crichlow mainly reiterates the arguments in her submission on appeal.

Considerations

On Crichlow's appeal

27. As a preliminary matter, the Appeals Tribunal notes that Articles 8 and 9 Of the Appeals Tribunal's Rules of Procedure provide for an appellant to submit an appeal form, accompanied by a brief, and for a respondent

Crichlow on behalf of the Appeals Tribunal's President that she had to file her appeal by 27 November 2009. On 27 November 2009, Crichlow filed her appeal. On

how the UNDT erred in making the impugned finding. For the foregoing reasons, Crichlow's appeal is dismissed.

On the Secretary-General's Cross-appeal

33. The Secretary-General challenges the UNDT decision to award damages on the ground that Crichlow had been aggrieved in her work place for many years and that the reassignment was perceived by her as "one further blow".

34. We note that the Secretary-General has already paid the damages, thereby accepting the UNDT Judgment. The cross-appeal is therefore moot.

Judgment