



Judgment No. 2021-UNAT-1127



Counsel for Applicant: Self-represented

Counsel for Respondent: Rachel Evers

5. In Judgment No. 2020-UNAT-1023 dated 26 June 2020, the Appeals Tribunal, with Judge Colgan dissenting, dismissed Mr. Sirhan's appeal, but granted the Commissioner-General's appeal and set aside the UNRWA DT Judgment. The Appeals Tribunal found that the UNRWA DT erred in interpreting Area Staff Rule 106.4 (Compensation for death, injury or illness attributable to service) as requiring the Agency to provide injured staff members an adequate time for recovery before convening a medical board, and that it was reasonable for the Agency to convene a medical board after Mr. Sirhan's service-incurred injury in order to examine his fitness for continued service. The Appeals Tribunal also found that the Medical Board had lawfully come to the conclusion that Mr. Sirhan was unfit for service as a Sanitation Labourer, and there was no rule or regulation obliging UNRWA to place Mr. Sirhan to the post of a Messenger.

6. On 24 August 2020, Mr. Sirhan filed an application for revision of Judgment No. 2020-UNAT-1023. On 14 October 2020, the Commissioner-General filed his comments on the application for revision.

Mr. Sirhan's Application for Revision

7. Mr. Sirhan requests that the Appeals Tribunal accept his application for revision, review the impugned Judgment, consider his case with compassion and humanitarianism, and do him justice.

8. Mr. Sirhan submits that he is seeking a revision of the Appeals Tribunal Judgment because of two decisive facts unknown to him or the Appeals Tribunal at the time (n)-3 (12o20(f)1.9 (a

10. Approximately one week after the Appeals Tribunal issued the impugned decision on 26 June 2020, he met with two former colleagues who told him that, sometime in April 2017, they had heard the Chief of Health Program say to his Deputy, while the former colleagues were in the office of the Chief of Health Program, that the Director of UNRWA Operations, JFO, had ordered him (Chief of Health Program) to convene a medical board for Mr. Sirhan without delay and then to terminate his appointment by any means possible. Subsequently, the Chief of Health Program an

14. As for Mr. Sirhan's allegation about what his two former colleagues had told him about what they had heard the Chief of Health Program tell his Deputy about what the Director of UNRWA Operations had instructed the Chief of Health Program to do, the Commissioner-General questions the credibility and probative value of the witness evidence from the two former colleagues. Additionally, he submits that the alleged saying by the two former colleagues is a hearsay evidence, which concerned UNRWA officials who were not involved in the convening of the Medical Board. Such evidence, even if given some level of credibility, is not pertinent to the established facts and would not have been decisive in reaching the original decision.

Considerations

15. The revision of a UNAT judgment is governed by Article 11(1) of the UNAT Statute, which provides:

Subject to article 2 of the present statute, either party may apply to the Tribunal for a revision of a judgment if it is based on a material error of fact or law.

THE UNITED NATIONS APPEALS TRIBUNAL

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26. Mr. Sirhan's application for revision is dismissed.

Original and Authoritative Version: English

Dated this 25th day of June 2021.

(Signed)

Judge Knierim, Presiding
Hamburg, Germany

(Signed)

Judge Colgan
Auckland, New Zealand

(Signed)

Judge Sandhu
Vancouver, Canada

Entered in the Register on this 15th day of July 2021 in New York, United States.

(Signed)

Weicheng Lin, Registrar