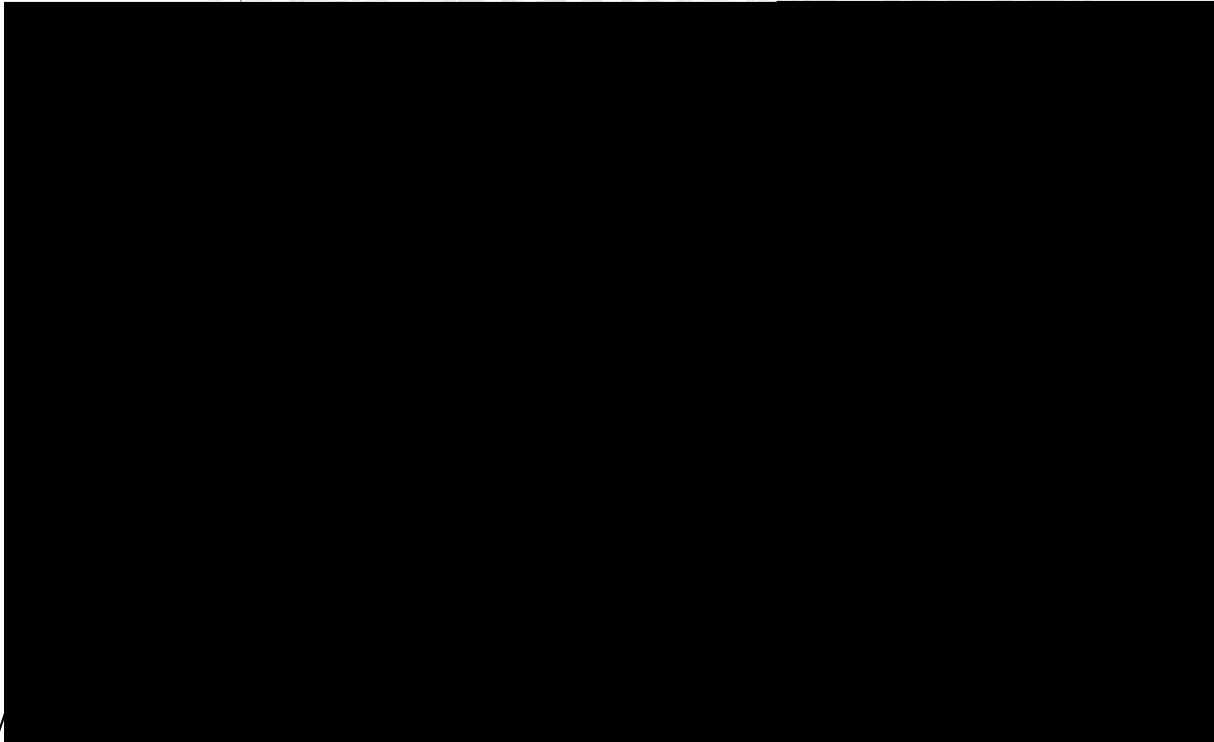




Judgment No. 2017-UNAT-719



Counsel for Mr. Saeed:

Self-represented

Counsel for Commissioner-General:

Lance Bartholomeusz

THE UNITED N

... By memorandum dated 17 May 2013 to the Personnel Department, the CMO requested the renewal of [Mr. Saeed]'s contract for a further period of six months, i.e. up to 31 December 2013.

... [Mr. Saeed] was on sick leave from 3 June to 21 June 2013 [during which time he underwent surgery].

... By email dated 7 June 2013, the CMO approved a new workflow for the Finance Division. [Mr. Saeed claims that upon enquiring about the new workflow during his sick leave, he was informed the workflow was temporary.]

... On 24 June 2013, [Mr. Saeed] returned to duty after his sick leave [and was

THE U

Submissions

Mr. Saeed's Application

5. Mr. Saeed refers to a series of facts where he requested that an investigation be conducted in relation to the new workflow and suggests that by doing so, he filed a request for decision review on time. He further submits that he timely asked for a review “only 16 days” after receiving a reply to his e-mail from OiC, HRD on 3 September 2013 which was more than two months after he had requested the investigation.

6. Stating that the Appeals Tribunal misinterpreted the relevant dates, Mr. Saeed asks to “re-appeal” his case before other Judges.

The Commissioner-General's Comments

7. The Commissioner-General submits that Mr. Saeed has failed to comply with Article 11(1) of the Statute in that he has not cited any new facts that were unknown to him and the Appeals Tribunal. He merely disagrees with the Appeals Tribunal's Judgment and attempts to have a second round of litigation, which is insufficient.

8. The fact referred to by Mr. Saeed, namely that he had requested a review in relation to the new workflow, was properly before the Appeals Tribunal at the time of the Judgment and thus not a “new fact”. According to the Commissioner-General, “the contention now advanced that the request for investigation on 2[4] June 2013 was a decision review request is an attempt to re-litigate the issue of receivability”.

Considerations

9. Mr. Saeed has requested a review of Appeals Tribunal Judgment No. 2016-UNAT-617. This request is governed by Article 11(1) of the Statute and Article 24 of the Appeals Tribunal Rules of Procedure (Rules). Article 24 of the Rules provides 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

Original and Authoritative Version: English

Dated this 31st of March 2017 in Nairobi, Kenya.

(Signed)

Judge Thomas-Felix,
Presiding

(Signed)

Judge Chapman

(Signed)

Judge Knierim

Entered in the Register on this 26th day of May 2017 in New York, United States.

(Signed)

Weicheng Lin, Registrar