
UNITED NATIONS APPEALS TRIBUNAL
TRIBUNAL D'APPEL DES NATIONS UNIES

Judgment No. 2022-UNAT-1274

Cevat Ozturk
(Applicant)

v.

Secretary-General of the United Nations
(Respondent)

JUDGMENT ON APPLICATION FOR EXECUTION

Before:	Judge Dimitrios Raikos, Presiding Judge Graeme Colgan Judge John Raymond Murphy
Case No.:	2021-1629
Date of Decision:	28 October 2022
Date of Publication:	21 November 2022
Registrar:	Juliet Johnson

Counsel for Applicant:	Self-represented
Counsel for Respondent:	Rupa Mitra

The UNAT Judgment

8. On 26 October 2018, the Appeals Tribunal dismissed Mr. Ozturk's appeal and affirmed the UNDT Judgment.⁶

9. The Appeals Tribunal upheld the conclusions of the UNDT, including that following the rescission of the impugned decision, Mr. 8peeTf0 Tc 0 Tw 052.1 (e)-4 (or())JTtd(T)Tj-0918iz-2.7 (m)

deducted in light of the [national court] order, in a legal exercise of discretion, pursuant to staff rule 3.18(c)(iii).”⁸

28. Moreover, the amount to be reimbursed was to be paid within 60 days after the judgment became executable, during which period the US Prime Rate applicable as of that date would apply. If the reimbursement was not made within the 60-day period, an additional five percent was to be added to the US Prime Rate until the date of payment.⁹

29. In the present case, it is not in dispute that, following the issuance of our Judgment No. 2018-UNAT-892, the Administration consulted with Mr. Ozturk at meetings held in early 2019 on the latter’s financial circumstances and on the calculations for repayment in execution of that Judgment and in compliance with Staff Rule 3.18(c)(iii). Subsequent to such consultations, Mr. Ozturk was notified of the Administration’s calculations and, on 7 May 2019, he received a wire transfer to his account of the reimbursement for excess salary deducted pursuant to the Kazakh court’s child support order, in accordance with the UNAT Judgment. On that same day, Mr. Ozturk acknowledged receipt of the payment without raising any objections to the calculations in execution of the UNAT Judgment.

30. Mr. Ozturk now seeks execution of Judgment No. 2018-UNAT-892 arguing that, while he agrees with the decision of the Administration to make revised deductions of USD759.39

Judgment

35. Mr. Ozturk's application for execution of Judgment No. 2018-UNAT-892 is dismissed.

Original and Authoritative Version: English

Decision dated this 28th day of October 2022 in New York, United States.

(Signed)

Judge Raikos

(Signed)

Judge Colgan

(Signed)

Judge Murphy

Judgment published and entered into the Register on this 21st day of November 2022 in New York, United States.

(Signed)

Juliet Johnson, Registrar