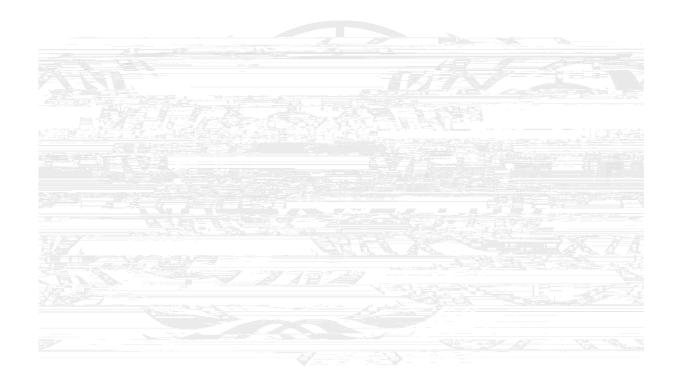


# UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES



Judgment No. 2010-UNAT-035

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## **Submissions**

# **Crichlow's Appeal**

- 9. Crichlow requests that an oral hearing be held in her case.
- 10. She alleges that the UNDT erred (1) int moviewing 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

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## **Secretary-General's Answer**

- 17. The Secretary-General responds that the peal is time-barred and should be dismissed. The Judgment was issued on 5 October 2009 and thrands tho 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 the receipt of the judgment. Crichlow filed her appeal on 15 December 2009, more thare weeks after the adline. Crichlow did not request a suspension or waiver 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 mpensation 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 decision to limit itself to reviewing the decision to the UNFPA. Contrary to Crichlow's assertion to the toriginal request for administrative review did not refer to the issue of the UNFPA's approximate her loan to the UN Secretariat and the UNDT did not fail to exercise jurisdiction to the United Nations Secretariat.
- 19. The Secretary-General further contends the UNDT did notcommit any errors of fact or law that would require a reversible UNDT's conclusions regarding the 2005 and 2006 PAD reports and regarding the rebuttal panel report.
- 20. The Secretary-General submits that there ao errors of fact or law that would require a reand j1the UNDT dmonh

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provide her with a full explanation at the time of her reassignment. The UNDT erred by failing to take such correction into according to take such correction into according to take such correction.

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 subsection on appeal.

#### **Considerations**

## On Crichlow's appeal

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

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Crichlow on behalf of the Appeals Tribunal's President that she had to file her appeal by 27 November 2009. On 27 Novemb2009, Crichlow filed her appeal. On

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how the UNDT erred in making the impugnetinding. For theforegoing reasons, Crichlow's appeal is dismissed.

## On the Secretary-General's Cross-appeal

- 33. The Secretary-General challenges the UND Tdecision to award damages on the ground that Crichlow had bearggrieved in her work placer many years and that the reassignment was perceived by her as "one further blow".
- 34. We note that the Secretary-General hasadly paid the damages, thereby accepting the UNDT Judgment. The cross-appeal is therefore moot.

**Judgment**