

JUDGE INÉS WEINBERG DE ROCA, Presiding.

Synopsis

1. The United Nations Appeals Tribunal (Appeals Tribunal) is seized of an appeal by Ms. Raya Meron against Judgment No. UNDT/2011/004 rendered by the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) in New York on 7 January 2011 in the case of ~~Ms. Meron~~ ~~Merón~~.

2. The UNDT correctly stated that the former Administrative Tribunal had considered and rejected all of Ms. Meron's other pleas, and that for this reason the matter of interest was ~~of~~.

3. This Court has stressed that the authority of a final judgment cannot be readily set aside. There must be an end to litigation and the stability of the judicial process requires that final judgments by an appellate court not be set aside unless for the gravest of reasons.

4. The appeal is dismissed and the UNDT Judgment is affirmed.

dental expenses be reimbursed, but that the question of whether she was eligible for compensation under article 11.1(c) or 11.2(d) of Appendix D to the Staff Rules be deferred until after the Medical Board submitted its report on permanent loss of function. The Secretary-General subsequently agreed to those recommendations.

9. In January 1998, Ms. Meron filed an application with the former Administrative Tribunal seeking inter alia access to her medical file and the convening of a Medical Board.

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Secretary-General's Answer

22. There is no provision in the Statute of the Appeals Tribunal granting this Tribunal the authority to conduct a judicial review of the judgments rendered by the former Administrative Tribunal. The jurisprudence of the Appeals Tribunal and the Dispute Tribunal supports the conclusion that neither the Appeals Tribunal nor the Dispute Tribunal has the power to revisit or alter a final decision of the former Administrative Tribunal. Judgment No. 1179 was intended to be a final judicial determination of the matter. Ms. Meron has exhausted all her avenues of appeal in respect to Judgment No. 1179. The UNDT properly determined that it did not have jurisdiction to consider Ms. Meron's request for an award of interest as this issue was already determined by the former Administrative Tribunal as a final decision.

23. The UNDT properly determined that the Administration had correctly calculated Ms. Meron's Appendix D disability benefit in US dollars in accordance with the applicable legal framework. The Secretary-General stresses that the Appendix D disability benefit that Ms. Meron seeks to have recalculated is not a disability benefit paid under Article 33 of the Pension Fund Regulations. It is therefore not subject to the option of a local track. On the issue of the award of Appendix D disability benefit in US dollars, Ms. Meron merely reiterates the claims that she had made before the UNDT. Ms. Meron fails to establish any error in fact or law in the UNDT's decision to uphold the calculation of her Appendix D disability benefit in US dollars.


24. The Secretary-General submits that Ms. Meron's statement that UNHCR had blocked the convening of a Medical Board is contrary to the facts as well as procedural requirements. Indeed after she appealed the UNDT Judgment, the Respondent informed Ms. Meron that given that her appeal did not raise an issue with respect to the Medical Board, the convening of a Medical Board could be resumed. Ms. Meron responded that "the scope of [her] appeal does very much concern the medical board" and that she "can wait for the medical board". Accordingly the Secretary-General did not take any further step to convene the Medical Board.

Considerations

25. The UNDT correctly stated that the former Administrative Tribunal had considered

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Done this 16th day of March 2012 in New York, United States.

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Judge Weinberg de Roca, Presiding

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Judge Garewal

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Judge Simón

Entered in the Register on this 7th day of May 2012 in New York, United States.

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Weicheng Lin, Registrar