



UNITED NATIONS A

6. Both parties appealed and on 27 June 2014 the Appeals Tribunal issued Judgment No. 2014-UNAT-436. The Appeals Tribunal found that “termination [was] not disproportionate to the offence taking into account that Mr. Walden’s recruitment, in the first instance, was predicated on the existence of a degree subsequently established to be without merit and which never would have qualified him for selection by the Organization”.¹ Accordingly, the Appeals Tribunal vacated the UNRWA DT Judgment.

Submissions

Mr. Walden’s Application

7. The two-pronged test applied by the Office of Human Resources Management which had advised the Agency regarding academic/professional Iden2295-7.1(-)2.8.4(unal vacahe UNhq(nyet 8(op1(

11. In his motion, Mr. Walden asks that the Appeals Tribunal strike paragraphs 34, 36 and 37 of its Judgment as they are misleading or erroneous.

12. Mr. Walden requests that the Appeals Tribunal grant his application and motion and revise the Appeals Tribunal Judgment.

The Commissioner-General's Answer

13. The existence of Mr. Walden's qualification from the University of Auckland is a fact that was known to the Appeals Tribunal, as this information was set out in various annexes to Mr. Walden's application to the UNRWA DT as well as the UNRWA DT judgment. Moreover, the aforementioned degree is not a "decisive fact" which would change the outcome of the case or require revision, since it was the contested MBA which was determinative in Mr. Walden's selection.

14. With respect to Mr. Walden's contention that the Appeals Tribunal has yet to pass judgment on the charge of "having knowingly misrepresented his academic qualifications by submitting a non-accredited degree in support of his application for employment with the Organization", the Commissioner-General submits that this request does not come within the permitted scope of review by the Appeals Tribunal; and as already stated, the Appeals Tribunal was aware that Mr. Walden had obtained his professional position with an inexistent university degree.

was not due to the negligence of the applicant; and that the facts identified would have been decisive in reaching the decision.²

17. The Appeals Tribunal has consistently held that “any application which, in fact, seeks a review of a final judgment rendered by the Appeals Tribunal can, irrespective of its title, only succeed if it fulfils the strict and exceptional criteria established by Article 11 of the Statute of the Appeals Tribunal”.³

18. The request filed by Mr. Walden does not fulfil the statutory requirements and constitutes, in fact, a disguised attempt to re-open the case.

19. The supposedly unknown facts that Mr. Walden contends warrant a revision of judgment relate to arguments and conclusions contained in the written Judgment. Mr. Walden disagrees with the Judgment and basically submits a second appeal, a remedy which is not available to the parties once this Tribunal has issued a final judgment. His application is not receivable.

Judgment

20. The application for revision is dismissed.

² *Maghari v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees*, Judgment No. 2013-UNAT-392, para. 15, citing *Macharia v. Secretary-General of the United Nations*, Judgment No. 2011-UNAT-128, para. 7. See also *Gakumba v. Secretary-General of the United Nations*, Judgment No. 2014-UNAT-492, para. 11.

³ *Gakumba, ibid.*, para. 13, citing *Beaudry v. Secretary-General of the United Nations*, Judgment No. 2011-UNAT-129, para. 16.

Original and Authoritative Version: English

Dated this 30th day of October 2015 in New York, United States.

(Signed)

Judge Weinberg de Roca,
Presiding

(Signed)

Judge Simón

(Signed)

Judge Faherty

Entered in the Register on this 18th day of December 2015 in New York, United States.

(Signed)

Weicheng Lin, Registrar