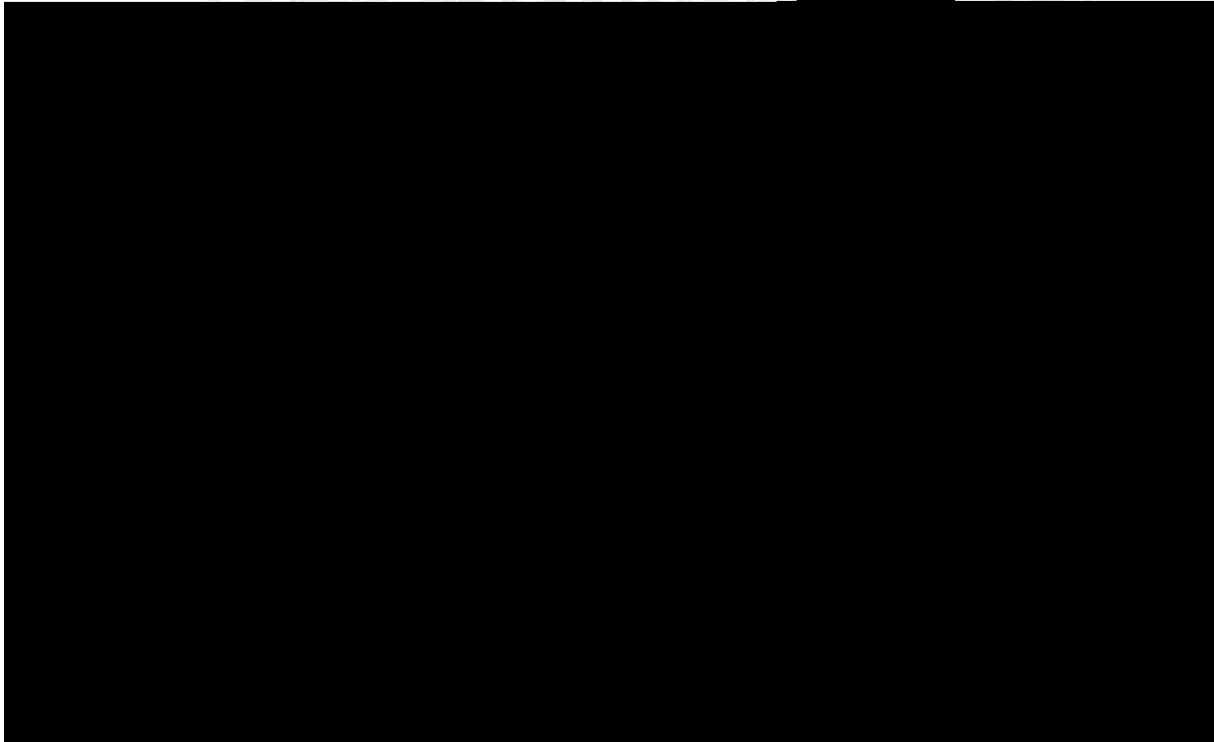




Judgment No. 2019-UNAT-936



JUDGE SABINE KNIERIM, PRESIDING.

1.

18.

22. Mr. Diallo requests that the Appeals Tribunal receive the appeal and vacate the UNDT Judgment.

The Secretary-General's Response to Mr. Diallo's Motion for Additional Pleadings

23. Mr. Diallo's Motion fails to satisfy the requirements for additional pleadings. He provides no reason as to why he was unable to submit in his appeal his claims that the UNDT failed to consider the facts of the case when it deemed his application not receivable and that it incorrectly ruled on his initial application dated 17 December 2018, rather than his updated application dated 28 December 2018. Thus, neither of these assertions constitutes an exceptional circumstance justifying the need to file an additional pleading. Furthermore, the motion repeats the arguments from the appeal. The Secretary-General requests that the Appeals Tribunal dismiss the motion in its entirety. Alternatively, if the Appeals Tribunal decides to grant the motion, he requests an opportunity to file a written submission in response to Mr. Diallo's additional pleadings.

Considerations

Mr. Diallo's motion seeking leave to file additional pleadings and an award of costs

24. Mr. Diallo's motion for leave to file additional pleadings is refused. Neither the Appeals Tribunal Statute (Statute) nor the Appeals Tribunal Rules of Procedure (Rules) provide for an appeal.

26. The receivability of applications to the UNDT is governed by Article 8 of the UNDT Statute and Staff Rule 11.2 which read, respectively, as follows:

Article 8 of the UNDT Statute

1. An application shall be receivable if:
 - (a) The Dispute Tribunal is competent to hear and pass judgement on the application, pursuant to article 2 of the present statute;
 - (b) An applicant is eligible to file an application, pursuant to article 3 of the present statute;
 - (c) An applicant has previously submitted the contested administrative

Judgment

32. The appeal is dismissed and Judgment on Receivability No. UNDT/2019/002 is hereby affirmed.

Original and Authoritative Version: English

Dated this 28th day of June 2019 in New York, United States.

(Signed)

Judge Knierim, Presiding

(Signed)

Judge Raikos

(Signed)

Judge Halfeld

Entered in the Register on this 19th day of August 2019 in New York, United States.

(Signed)

Weicheng Lin, Registrar