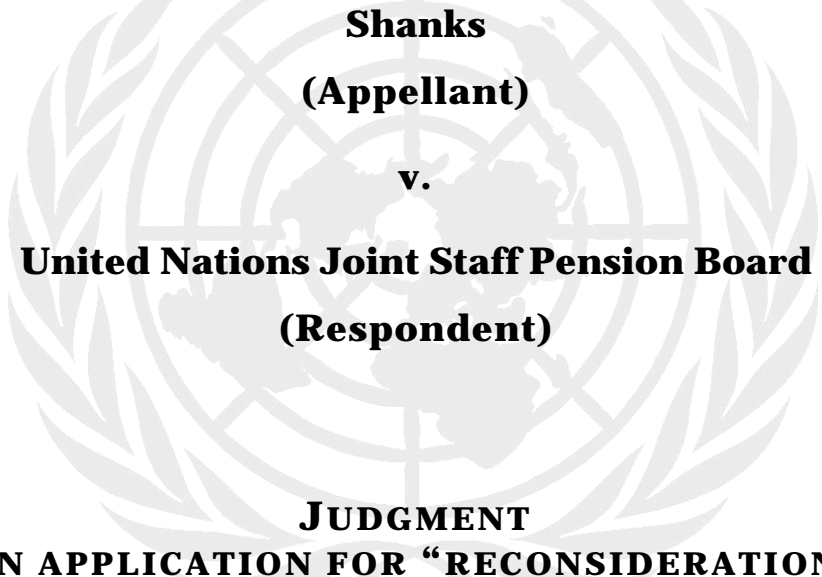




**UNITED NATIONS APPEALS TRIBUNAL
TRIBUNAL D'APPEL DES NATIONS UNIES**

Case No. 2010-031



**Shanks
(Appellant)**
v.
**United Nations Joint Staff Pension Board
(Respondent)**

**JUDGMENT
ON APPLICATION FOR “RECONSIDERATION”**

Before: Judge Inés Weinberg de Roca, Presiding
Judge Rose Boyko
Judge Luis María Simón

Judgment No.: 2010-UNAT-026bis

Date: 1 July 2010

Registrar: Weicheng Lin

Counsel for Appellant: Bart Willemsen

Counsel for Respondent: Dulcie Mapondera

JUDGE INÉS WEINBERG DE ROCA, Presiding.

Synopsis

1. On 30 March 2010, the Appeals Tribunal issued Judgment No. 2010-UNAT-026 rejecting the appeal of Rebecca Shanks (Shanks) against the decision of the Standing Committee of the United Nations Joint Staff Pension Board (Standing Committee and UNJSPB, respectively) not to reconsider its own decision that Shanks met the criteria for a disability benefit. The Appeals Tribunal affirms the contested Judgment and dismisses Shanks's request.

Facts and Procedure

2. On 5 May 2010, Shanks filed an application for "reconsideration", requesting the Appeals Tribunal to "reconsider" its Judgment by virtue of its inherent power to do so. Shanks contends that the Appeals Tribunal "has fundamentally misunderstood the internal (review) procedures [of] the United Nations Joint Staff Pension Fund (UNJSPF), and, as a corollary, [Shanks's] plea(s)", and that the resultant error "occasioned a miscarriage of justice that cannot be allowed to remain". Shanks clarifies that she does not seek to re-litigate her case, nor does she allege an error of fact or law in the Judgment.

3. On 17 June 2010, the UNJSPF filed a response to Shanks's application. It maintains that Shanks was not prejudiced by the fact that the Standing Committee did not "re-review" her case. The decision of the United Nations Pension Committee (UNSPC) and the Standing Committee was based on the medical report and other information available at the time that the original decision that Shanks met the established criteria for incapacity was made. As the Appeals Tribunal held, Shanks had not presented to the UNSPC any new medical or factual information pertaining to her medical condition, other than the information already submitted to the UNSPC, that could have resulted in a change to its decision.

Considerations

4. As the Administrative Tribunal of the International Labour Organization observed in Judgment 1824, *In re Sethi (No. 4)*, the authority of a final judgment - *res judicata* - cannot be so readily set aside. The party who loses can not re-litigate his or her case. There must be an end to litigation and the stability of the judicial process requires that final judgments by an appellate court be set aside only on limited grounds and for the gravest of reasons, which is not the case here.

5. As Shanks also acknowledges, the present request falls outside of the permissible grounds for revision, correction, or interpretation under Article 11 of the Appeals Tribunal's Statute.

Judgment

6. There are no grounds for the Appeals Tribunal to review this matter in any way. Shanks's application is denied.

Dated this 1st day of July 2010 in New York, United States.

Original: English

(Signed)

Judge Weinberg de Roca,
Presiding

(Signed)

Judge Boyko

(Signed)

Judge Simón

Entered in the Register on this 16th day of August 2010 in New York, United States.

(Signed)

Weicheng Lin, Registrar
United Nations Appeals Tribunal