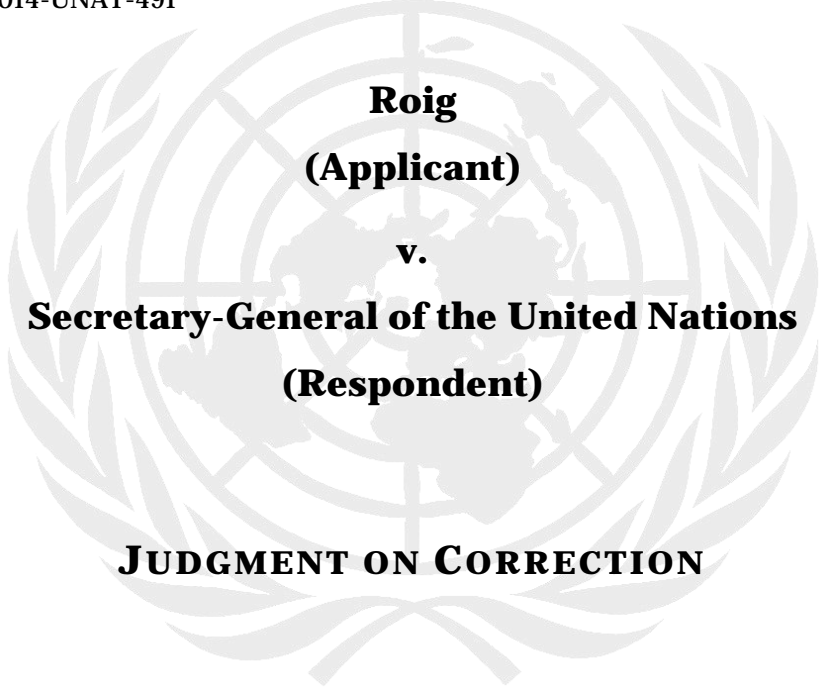




**UNITED NATIONS APPEALS TRIBUNAL  
TRIBUNAL D'APPEL DES NATIONS UNIES**

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Judgment No. 2014-UNAT-491



**Roig  
(Applicant)**  
**v.**  
**Secretary-General of the United Nations  
(Respondent)**

**JUDGMENT ON CORRECTION**

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**Before:** Judge Inés Weinberg de Roca, Presiding  
Judge Richard Lussick  
Judge Sophia Adinyira

**Case No.:** 2014-552

**Date:** 17 October 2014

**Registrar:** Weicheng Lin

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**Counsel for Applicant:** Joseph Grinblat

**Counsel for Respondent:** Noam Wiener

**JUDGE INÉS WEINBERG DE ROCA, PRESIDING.**

1. The United Nations Appeals Tribunal (Appeals Tribunal) has before it an application for correction of Judgment No. 2013-UNAT-368 rendered on 17 October 2013 in the case of *Roig v. Secretary-General of the United Nations*. Ms. Marta Roig filed her application for correction on 6 January 2014, and the Secretary-General of the United Nations filed his comments on 10 February 2014.

**Facts and Procedure**

2. Ms. Roig applied for a P-4 level position within the Department of Economic and Social Affairs (DESA) in July 2009, but was informed in writing, on 29 October 2010, that she was not selected for the post. After learning about the identity of the selected candidate on 17 December 2010, Ms. Roig filed a management evaluation request on 11 February 2011 challenging the selection of the successful candidate. Her management evaluation request was rejected and she appealed to the United Nations Dispute Tribunal (UNDT or Dispute Tribunal).

3. In Judgment No. UNDT/2012/146, the Dispute Tribunal rejected Ms. Roig's application as time-barred and not receivable, because she had failed to request management evaluation within the 60-day time limit counting from 29 October 2010, when she was informed of her non-selection. Ms. Roig appealed.

4. In Judgment No. 2013-UNAT-368, the Appeals Tribunal affirmed the UNDT's decision and dismissed Ms. Roig's appeal. It rejected her argument that she was not contesting her non-selection, but the selection of the successful candidate, who did not meet the minimum requirement of the post, by noting that "the latter is the consequence of the former. As such, there is not a second administrative decision which resets the applicable time limits."

5. Ms. Roig is seeking correction of this Judgment.

### **Submissions**

#### **Ms. Roig's Application**

6. Ms. Roig alleges that the sequence of events and the casual relationships in paragraph 19 of the Judgment at issue are “factually wrong”.

7. Before the Dispute Tribunal, she was not appealing the fact that another candidate had been selected. Rather, she was appealing the fact that, as the selected candidate did not possess the minimum requirement for the post, this constituted a violation of her rights to due process.

8. She was informed of the name of the non-eligible but selected candidate only on 17 December 2010. Before that date, she had no reason to file an appeal. If the Judgment were left to stand, it would have devastating effects as it would allow supervisors to select arbitrarily without allowing time for other concerned staff members to appeal.

#### **The Secretary-General's Comments**

9. Ms. Roig's application for correction is not receivable, as she seeks to reargue her case and the application does not meet the criteria of Article 11 of the Statute of the Appeals Tribunal (Statute).

10. The discovery of the identity of the successful candidate did not constitute a separate administrative decision that reset the deadline for requesting management evaluation.

### **Considerations**

11. Article 11(2) of the Statute states:

Clerical or arithmetical mistakes, or errors arising therein from any accidental slip or omission, may at any time be corrected by the Appeals Tribunal, either on its own motion or on the application of any of the parties.

Article 26 of the Rules of Procedure of the Appeals Tribunal contains the almost identical language.

12. In the instant case, Judgment No. 2013-UNAT-368 confirmed the UNDT Judgment because Ms. Roig requested management evaluation of the decision of 29 October 2010 on 11 February 2011.

13. There is not any clerical or arithmetical mistake in the Judgment.

14. The Appeals Tribunal emphasizes that the correction procedure is not an opportunity for a party to reargue his or her case.<sup>1</sup> A party cannot merely repeat arguments that did not succeed before.

### **Judgment**

15. The application for correction is dismissed.

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<sup>1</sup> *Sanwidi v. Secretary-General of the United Nations*, Judgment No. 2013-UNAT-321, para. 8.

Original and Authoritative Version: English

Dated this 17<sup>th</sup> day of October 2014 in New York, United States.

*(Signed)*

Judge Weinberg de Roca,  
Presiding

*(Signed)*

Judge Lussick

*(Signed)*

Judge Adinyira

Entered in the Register on this 22<sup>nd</sup> day of December 2014 in New York, United States.

*(Signed)*

Weicheng Lin, Registrar