



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

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Judgment No. 2015-UNAT-513

**Simmons  
(Applicant)**

**v.**

**Secretary-General of the United Nations  
(Respondent)**

**JUDGMENT ON APPLICATION FOR EXECUTION**

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Before:	Judge Mary Faherty, Presiding Judge Richard Lussick Judge Rosalyn Chapman
Case No:	2014-587
Date:	26 February 2015
Registrar:	Weicheng Lin

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Counsel for Applicant:	Self-represented
Counsel for Respondent:	Noam Wiener

**JUDGE MARY FAHERTY, PRESIDING.**

1. The United Nations Appeals Tribunal (Appeals Tribunal) has before it an “Application for Correction” of Judgment No. 2012-UNAT-221 and Order No. 148 (2013), rendered by the Appeals Tribunal on 29 June 2012 and 28 June 2013, respectively. Ms. Sheryl Simmons filed her application on 21 February 2014, and the Secretary-General filed his comments on 24 March 2014. Ms. Simmons filed a rejoinder on 3 February 2015.

**Facts and Procedure**

2. In Judgment No. UNDT/2011/084, dated 16 May 2011, the UNDT found that the required procedures for completing Ms. Simmons’ 2007-2008 and 2008-2009 e-PAS reports were not followed, for which Ms. Simmons should be compensated. The UNDT awarded her a total of USD 3,500 as compensation: USD 500 for the delay in completing the 2007-2008 e-PAS report and the resulting stress caused to Ms. Simmons, and USD 3,000 for the delay in completing the 2008-2009 e-PAS report and the resulting stress caused to her.

3. In Judgment No. 2012-UNAT-221, as corrected by Order No. 148 (2013), dated 28 June 2013, the Appeals Tribunal substituted the UNDT’s total award of USD 3,500 with an award of compensation equivalent to three months’ net base salary in effect on 31 March 2008, and compensation equivalent to three months’ net base salary in effect on 31 March 2009.

4. On 21 February 2014, Ms. Simmons filed a request for correction, claiming that the Administration miscalculated the amounts owed to her according to the Judgment and that the Organization owes her an additional USD 8,574.65. She asks that the Appeals Tribunal order that this amount be paid to her without further delay and with interest. The Secretary-General opposes the application and requests the Appeals Tribunal to rule that the Judgment has been fully implemented.

**Considerations**

5. Ms. Simmons applies pursuant to Article 11(2) of the Appeals Tribunal Statute by way of “Application for Correction of Judgment” in respect of Appeals Tribunal Judgment No. 2012-UNAT-221. In her “Grounds for application” she contends that the Judgment has not been “fully executed pursuant to Order No. 148 (2013)”. While styled as an application for correction, Ms. Simmons, in effect, applies for an order for execution. She attaches a number of

documents to her application, including details relating to the salary she was in receipt of as of 31 March 2008 and 31 March 2009, and correspondence between her and the Administration, following upon Order No. 148 (2013) which was issued by the Appeals Tribunal on 28 June 2013. Ms. Simmons maintains that there remains a sum of money due and owed to her on foot of Judgment No. 2012-UNAT-221. The comments filed by the Secretary-General set out details of the payments made to Ms. Simmons on 9 November 2012, following upon the issuance of Judgment No. 2012-UNAT-221 on 12 September 2012 and the payment made to Ms. Simmons on 22 August 2013, following upon the issuance of Order No. 148 (2013). The Secretary-General also alludes to the payment Ms. Simmons received on 8 July 2011, following upon the issuance of Judgment No. UNDT/2011/084 on 16 May 2011. Ms. Simmons filed a rejoinder to the Secretary-General's comments wherein she maintains her position that there are monies still outstanding.

6. We have considered all of the submissions and we are satisfied that Ms. Simmons' contentions are not sustained. We hold that the Secretary-General has fully complied with Judgment No. 2012-UNAT-221, as corrected by Order No. 148 (2013).

### **Judgment**

7. Accordingly, the application for execution is rejected.

Original and Authoritative Version: English

Dated this 26<sup>th</sup> day of February 2015 in New York, United States.

*(Signed)*

Judge Faherty, Presiding

*(Signed)*

Judge Lussick

*(Signed)*

Judge Chapman

Entered in the Register on this 17<sup>th</sup> day of April 2015 in New York, United States.

*(Signed)*

Weicheng Lin, Registrar