



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

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Judgment No. 2025-UNAT-1609

**Anne Christin Raschdorf**  
**(Appellant)**

**v.**

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

## **JUDGMENT**

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Before:	Judge Kanwaldeep Sandhu, Presiding Judge Nassib G. Ziadé Judge Gao Xiaoli
Case No.:	2025-1982
Date of Decision:	31 October 2025
Date of Publication:	15 December 2025
Registrar:	Juliet E. Johnson

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

**JUDGE KANWALDEEP SANDHU, PRESIDING.**

1. Ms. Raschdorf, a former staff member of the United Nations Assistance Mission for Iraq (UNAMI), contested several alleged decisions and “non-decisions”, mostly related to her claim for compensation under Appendix D to the Staff Rules for injury attributable to the performance of official duties on behalf of the United Nations (claim):<sup>1</sup>

(i) the United Nations Controller’s decision of 11 October 2023 reaffirming the denial of her claim (Contested Decision A);

(ii) the Advisory Board on Compensation Claims (ABCC) recommendation of 30 June 2023 to reject the 12 November 2020 reformulation of her claim (Contested Decision B);

(iii) the ABCC Secretariat’s decisions of 11 October and 19 October 2023 upholding the Controller’s refusal to constitute a new medical board to appeal the decision not to waive deadlines and allow corrections of alleged procedural mistakes by the Organization (Contested Decisions C and D, respectively);

(iv) the 30 May 2019 communication from the UNAMI Chief of Mission Support (CMS), informing her that her fixed-term appointment (FTA) would not be extended beyond 31 May 2019 (Contested Decision E1);

(v) the notification dated 28 May 2019 from UNAMI Human Resources (HR), informing her that they had been informed to initiate her check-out process unless she reported back to her duty station before 31 May 2019 (Contested Decision E2);

(vi) the notification dated 26 June 2019 from the Head of Medical Entitlements, Division of Healthcare Management and Occupational Safety and Health (DHMOSH), Office of Support Operations, Department of Operational Support, informing her that she did not meet the requirements to be recommended for disability to the United Nations Joint Staff Pension Fund (UNJSPF) (Contested Decision E3);

(vii) the CMS’ non-decision of June 2019 (Contested Decision E4);

(viii) the decision of the Regional Security Coordinator to request and authorize the travel of an incapacitated staff member (Contested Decision E5); and

(ix) unspecified DHMOSH decisions from April 2019 onwards insofar as they discussed a crucial component of administrative decisions, and delays in all other medical determinations and administrative actions (Contested Decision E6).

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<sup>1</sup> *Raschdorf v. Secretary-General of the United Nations*, UNDT Judgment dated 4 December 2024, paras. 1-2.

2. In Judgment No. UNDT/2024/103 (impugned Judgment), the United Nations Dispute Tribunal (UNDT) dismissed the application as not receivable. Ms. Raschdorf appeals to the United Nations Appeals Tribunal (Appeals Tribunal or UNAT).

3. Before reviewing the merits of this appeal, we note that this is one of many appeals and challenges filed by Ms. Raschdorf. She has challenged several decisions and non-decisions in her ongoing litigation with the Organization regarding her claim for compensation under Appendix D. She has repeatedly alleged that communications she receives from a variety of interactions involving the ABCC are administrative decisions even though they may be responses to her inquiries or are procedural communications. This has resulted in a number of management evaluations, and UNDT and UNAT judgments. This is the latest.

4. For the reasons set out below, the Appeals Tribunal dismisses the appeal and affirms the impugned Judgment.

### **Facts and Procedure<sup>2</sup>**

5. Ms. Raschdorf joined the Organization on 1 April 2004. She served as a Political Affairs Officer with UNAMI. Her appointment was renewed successively.<sup>3</sup>

6. In April 2019, Ms. Raschdorf was diagnosed by her physician with a service-incurred illness and went on certified sick leave.<sup>4</sup> On 10 April 2019, she was placed on sick leave without pay for the period of 11 April to 31 May 2019. On 16 April 2019, DHMOSH informed her that her medical condition did not meet the criteria for recommending disability benefits under the UNJSPF Regulations and Rules.<sup>5</sup>

7. On 31 May 2019, her fixed-term appointment was not renewed, and she was separated from service upon exhaustion of her sick leave.

8. On 21 October 2020, she submitted to the Kuwait Joint Support Office (KJSO) her claim in a P.290 form where she indicated the date of her injury as 11 April 2019. It was forwarded to the ABCC Secretariat for review.<sup>6</sup>

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<sup>2</sup> Summarized from the impugned Judgment as relevant to the appeal.

<sup>3</sup> Impugned Judgment, para. 8.

<sup>4</sup> *Ibid.*, paras. 9 and 28.

<sup>5</sup> *Ibid.*, paras. 9-10.

<sup>6</sup> *Ibid.*, para. 13.

9. On 4 November 2020, the ABCC informed KJSO that the claim had been submitted after the expiration of the time limit and that a waiver of the time limit could only be granted under exceptional circumstances.<sup>7</sup>

10. On 5 November 2020, the ABCC informed Ms. Raschdorf that her claim had been submitted beyond the deadline.<sup>8</sup>

11. By letter dated 6 November 2020, Ms. Raschdorf provided to the ABCC Secretariat her response which included an explanation as to why she had chosen 11 April 2019 as the incident date, but that she considered that the correct date was 14 September 2020.<sup>9</sup>

12. On 11 November 2020, the ABCC Secretariat indicated to KJSO that the deadline for submission of a claim could not be waived based on the Medical Services completing an independent assessment of one's condition as that was a different matter. It noted that Appendix D was clear that only medical incapacity could waive the deadline.<sup>10</sup>

13. Ms. Raschdorf contested this administrative decision along with others resulting in the following prior UNDT and UNAT judgments.

*Ms. Raschdorf's prior appeals before the Appeals Tribunal and Dispute Tribunal*

14. On 17 February 2022, Ms. Raschdorf filed an appeal of Judgment No. UNDT/2022/004<sup>11</sup> in which the UNDT had dismissed her applications contesting three administrative decisions: (i) the administrative decision not to renew her fixed-term appointment beyond 31 May 2019; (ii) a 1 September 2020 decision of DHMOSH not to recommend her for a disability pension to the United Nations Staff Pension Committee (UNSPC); and (iii) the 5 November 2020 decision of the ABCC to reject her claim for compensation on the ground that her claim was time-barred. On 11 May 2023, the Appeals Tribunal dismissed her appeal and affirmed the UNDT Judgment (*Raschdorf I*).<sup>12</sup>

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<sup>7</sup> *Ibid.*, para. 14.

<sup>8</sup> *Ibid.*, paras. 14 and 29.

<sup>9</sup> *Ibid.*, para. 15.

<sup>10</sup> *Ibid.*, para. 16.

<sup>11</sup> *Raschdorf v. Secretary-General of the United Nations*, UNDT Judgment dated 17 January 2022.

<sup>12</sup> *Ann-Christin Raschdorf v. Secretary-General of the United Nations (Raschdorf I)*, Judgment No. 2023-UNAT-1343/Corr.1, paras. 1-3.

15. On 30 September 2024, Ms. Raschdorf filed an appeal of Judgment No. UNDT/2024/054<sup>13</sup> in which the UNDT had dismissed her application contesting numerous alleged decisions and “non decisions” concerning the processing of her claim. On 2 September 2025, the Appeals Tribunal dismissed her appeal and affirmed Judgment No. UNDT/2024/054. It found that any challenge to the initial claim was *res judicata* (a “judged matter”) and,<sup>14</sup> therefore her attempt to challenge a “non-decision” of 5 November 2020 was barred.<sup>15</sup>

*Facts relevant to the current appeal*

16. In concert with the UNDT applications, Ms. Raschdorf requested reconsideration of her claim. On 12 November 2020, Ms. Raschdorf requested the ABCC to reconsider her claim and attached a new P.290 form, which indicated the date of injury as 14 September 2020.<sup>16</sup> The ABCC did not respond to that request.<sup>17</sup> On 10 April 2023, she requested management evaluation of the non-decision of the ABCC.<sup>18</sup>

17. The diagnosis of Ms. Raschdorf’s medical condition was endorsed by an independent expert in November and December 2020.<sup>19</sup>

18. On 30 June 2023, her claim was presented to the ABCC at its 535<sup>th</sup> meeting.<sup>20</sup>

19. On 11 October 2023, the ABCC Secretary advised Ms. Raschdorf that the ABCC had considered her claim on 30 June 2023 at its 535<sup>th</sup> meeting, and the Controller had endorsed the ABCC’s recommendation to deny the claim on behalf of the Secretary-General.<sup>21</sup>

20. On 18 October 2023 and on 1 and 14 November 2023, Ms. Raschdorf submitted requests for management evaluation (MER) of Contested Decision A, an ABCC omission of 19 October 2023 not to correct the non-decision on a medical determination, and five decisions related to the non-

<sup>13</sup> *Raschdorf v. Secretary-General of the United Nations*, UNDT Judgment dated 2 September 2024.

<sup>14</sup> The doctrine of *res judicata*, or “claim preclusion,” prevents relitigating the same issues, facts, and parties after a final judgment.

<sup>15</sup> *Ann-Christin Raschdorf v. Secretary-General of the United Nations (Raschdorf III)*, Judgment No. 2025-UNAT-1576, paras. 1-2 and 36.

<sup>16</sup> *Ibid.*, para. 17.

<sup>17</sup> *Raschdorf III* Judgment, *op. cit.*, para. 6.

<sup>18</sup> Impugned Judgment, para. 21.

<sup>19</sup> *Ibid.*, para. 28.

<sup>20</sup> *Ibid.*, para. 23.

<sup>21</sup> *Ibid.*, para. 24.

renewal of her appointment. On 8 December 2023, the Under-Secretary-General for Management Strategy, Policy, and Compliance upheld Contested Decision A and the Management Evaluation Unit's determination that the MER of the alleged ABCC decision of 19 October 2023 and of her separation from service were not receivable due to being time-barred.<sup>22</sup>

21. On 21 December 2023, Ms. Raschdorf filed another application with the UNDT.

*The impugned Judgment*

22. The UNDT dismissed the application in its entirety.

23. Regarding Contested Decision A, the UNDT found that this 11 October 2023 decision had informed Ms. Raschdorf that the ABCC found the date of the onset of her illness was 11 April 2019, and not 14 September 2020 as she had argued in her request for reconsideration of the 5 November 2020 decision and that accordingly, her claim did not warrant reconsideration or reopening. The 11 October 2023 decision did not alter the 5 November 2020 decision which has been litigated extensively. Insofar as Contested Decision A has already been ruled upon by two Judgments that are now final, this part of the application is not receivable, being *res judicata*.<sup>23</sup>

24. With respect to Contested Decisions B, C and D, the UNDT noted that in considering Ms. Raschdorf's claim on 30 June 2023 at its 535<sup>th</sup> meeting, the ABCC had found that the date of the onset of her illness was 11 April 2019 and not 14 September 2020 and determined that her claim did not warrant reconsideration or reopening. The ABCC also determined that her claim did not meet the requirements for a waiver of the time limit and was time-barred. In response to her 18 October request for clarification from the ABCC Secretariat, it responded on 19 October 2023 that it would not ask DHMOSH to conduct a new medical determination or to establish a new medical dispute resolution process. There is ample evidence that Ms. Raschdorf was aware of her medical condition by 11 April 2019. She had no incapacity that prevented her from filing her claim within the applicable deadline. Her challenges of Contested Decisions B, C and D, which are grounded on her claim of 12 November 2020, were therefore time-barred.<sup>24</sup>

25. Lastly, the UNDT held that Contested Decisions E1-E6 were grounded on Contested Decisions A-D and since the application in respect of those had been rejected as not receivable,

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<sup>22</sup> *Ibid.*, para. 26.

<sup>23</sup> *Ibid.*, paras. 32-34.

<sup>24</sup> *Ibid.*, paras. 37-44.

Contested Decisions E1-E6 could not stand on their own and the application in that respect was also rejected.<sup>25</sup>

### Submissions

#### Ms. Raschdorf's Appeal

26. Ms. Raschdorf requests the Appeals Tribunal to reverse the impugned Judgment, restore her full rights to contest decisions in non-compliance with the terms of her employment contract, remand the case to the UNDT or the Administration for correction of material and procedural mistakes, and award compensation.

27. First, Ms. Raschdorf argues that the UNDT exceeded its jurisdiction or competence. The relevant non-decisions included an incomplete decision to terminate her contract on health grounds. The UNDT applied the wrong legal standard and erred when it found the challenge of the decisions not receivable. Her challenges of all decisions are receivable. The UNDT allowed her due process rights to be violated when it largely accepted the ABCC's arguments concerning Article 2.1 of Appendix D and did not meaningfully engage with her request for reconsideration and her other arguments.

28. Ms. Raschdorf submits that the UNDT exceeded its judicial powers when it found her application contesting Decision A not receivable and *res judicata*. The UNDT failed to consider that the new administrative decisions of 2023 by the ABCC and the Management Evaluation Unit would have made it receivable. The UNDT's finding that the request for review of the 5 November 2020 Decision had been made by her and not the Administration is a factual mistake. The UNDT has created a situation in which the general rule that implied decisions are reviewable regardless of deadlines related to a final decision no longer applies. Apparently in the UNDT's view, it is permissible to exclude a final decision indefinitely if it is presumed to be *res judicata* or time-barred. The UNDT ignored that certain preparatory decisions may be challenged in the context of an appeal against a final decision.

29. Ms. Raschdorf argues that the UNDT committed an error in procedure when it excluded a waiver of deadlines. It also failed to exercise jurisdiction vested in it and erred in the facts. The UNDT should have considered in her favour the fact that she had submitted an MER. Further, the

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<sup>25</sup> *Ibid.*, para. 45.

ABCC is liable in the event of procedural mistakes, including a delay. The UNDT exceeded its jurisdiction by basing its assessment solely on the need for a waiver of the time limit, while failing to engage with the ABCC's interpretation that signified new decisions.

30. Ms. Raschdorf submits that her separation did not take place on 31 May 2019. The UNDT forgot that there had been an incomplete separation decision of 5 November 2020 that had never been examined by the Appeals Tribunal. The UNDT exceeded its jurisdiction by its overly rigid interpretation of receivability.

31. Ms. Raschdorf contends that while the UNDT grouped together Contested Decisions B, C and D, it failed to engage with the receivability of the application in respect of the original request and critically review the ABCC's arguments. The UNDT's assumption that all responsibility for incomplete decisions, procedural errors and untimeliness would lie with her is biased, arbitrary, and unreasonable. The UNDT failed to apply the correct legal standard and allowed a violation of process. It exceeded its jurisdiction when it absolved the Administration of procedural mistakes and when it obstructed the correction of incomplete decisions. Her application in respect of Contested Decisions A-D is receivable insofar as they resulted from new decisions. However, they remain incomplete and require medical determination. Therefore, the ABCC is liable for the mistakes. The UNDT committed an error in procedure and exceeded its jurisdiction when it excluded Article 5.3 of Appendix D from its review.

32. Ms. Raschdorf submits that it is questionable why the UNDT did not consider Contested Decisions E1-E6 to be reviewable in their own right. The UNDT did not sufficiently engage with the submission that 11 April 2019 was not the date when she became aware of the Contested Decisions. The UNDT forgot that on 11 April 2019, she did not know all the relevant facts. The UNDT's assumption that she could have acted without the support of the Administration from April 2019 onward is a mistake. Contested Decisions E1-E6 were not examined on the merits by the Appeals Tribunal and are not *res judicata*. They relate to new administrative decisions.

33. Second, Ms. Raschdorf argues that the UNDT failed to exercise jurisdiction vested in it when it failed to rebut the ABCC's argumentation regarding Articles 2.1(e), 2.2(a) and 37 of Appendix D, and Administrative Instruction ST/AI/2019/1 (Resolution of disputes relating to medical determinations) and did not allow a reconsideration of associated decisions and deadlines.



34. Third, Ms. Raschdorf contends that the above errors of the UNDT also constitute errors of law. Further, it was an error of law to assume that Article 5.3 of Appendix D would be dependent on receipt of new medical information or information on material mistakes in line with Article 2.1.

35. Fourth, Ms. Raschdorf argues that the UNDT committed an error in procedure, such as to affect the decision of the case, when it failed to hold the ABCC liable for the procedural mistakes and when it found her application in respect of the non-decisions no longer receivable. It also erred in procedure when it assumed that P.290 forms are freely available.

36. Fifth, Ms. Raschdorf contends that the UNDT erred on a question of fact, resulting in an unreasonable decision. The UNDT's assumption that she had contested the ABCC 5 November 2020 decision multiple times is a factual error. The form of 12 November 2020 was a correction of the form of 21 October 2020. The ABCC decided to receive both for review in April 2023. The UNDT missed some of the procedural facts concerning the ABCC's process because it misunderstood who had insisted on a parallel review of the decisions. As a result, the UNDT failed to examine the non-decisions in their context.

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

37. The Secretary-General requests the Appeals Tribunal to dismiss the appeal in its entirety.

38. The Secretary-General argues that the UNDT correctly held that the challenges of Contested Decisions E1-E6 were not receivable.

39. The Secretary-General submits that Contested Decision E1 was the subject of the *Raschdorf I* Judgment and is *res judicata*. Contested Decision E2 is not an administrative decision; furthermore, it was received by Ms. Raschdorf on 28 May 2019, and the application was therefore not receivable *ratione temporis* (or “by reason of time”) in 2023. Contested Decision E3 reiterates matters that were subject to the *Raschdorf I* Judgment and are therefore *res judicata*; moreover, it is not an administrative decision and was received in June 2019, and therefore the application is not receivable *ratione materiae* (or “by reason of the subject matter”) and *ratione temporis* in 2023. The subject matter of Contested Decision E4 was the subject of the *Raschdorf I* Judgment and is therefore *res judicata*; moreover, it was taken in 2019, and the application was therefore not *ratione temporis* in 2023. Contested Decision E5, insofar as was allegedly part of the non-renewal decision, was the subject of the *Raschdorf I* Judgment and is therefore *res judicata*; the application in respect of her travel arrangements from 2019 was not receivable in 2023 *ratione*

*temporis*. Further, alleged decisions under Contested Decision E6 are communications that do not constitute administrative decisions; furthermore, the application would not be receivable *ratione temporis* in 2023 and, insofar as these communications refer to DHMOSH's conclusion that she is not eligible to receive a disability benefit from the UNJSPF, or to the decision not to extend her fixed-term appointment after she had exhausted her sick leave entitlements, these decisions were already addressed in the *Raschdorf I* Judgment and are therefore *res judicata*.

40. The Secretary-General contends that the UNDT correctly held that Ms. Raschdorf's application in respect of Contested Decisions B-D is not receivable. Alleged Contested Decisions B-D are not administrative decisions.

41. The Secretary-General submits that the UNDT correctly upheld Contested Decision A. Ms. Raschdorf's application to the UNDT does not demonstrate that she was incapacitated by illness or any other reason that would have prevented her from timely submitting her claim. Nothing in the regulations, rules, policies, or procedures of the Organization prevented her from submitting a claim under Appendix D in a timely manner while her request for a disability benefit from the UNJSPF was pending. The fact that she had requested a disability benefit from the UNJSPF is not evidence of incapacity to file a request for compensation under Appendix D; to the contrary, it shows that she had the capacity to file requests.

### **Considerations**

#### *Contested Decision A*

42. On 12 November 2020, Ms. Raschdorf requested that the ABCC reconsider her claim and attached a new P-290 form with an incident date of 14 September 2020. The ABCC did not respond.

43. On 10 April 2023, Ms. Raschdorf requested the ABCC to reconsider her claim of 12 November 2020. The MEU deemed the request moot as the ABCC Secretariat agreed to present her request for reconsideration and waiver of the deadline to the ABCC (with the date of incident noted as 11 April 2019). This resulted in Contested Decision A.

44. Contested Decision A is a letter dated 11 October 2023 from the Acting Secretary of the ABCC informing Ms. Raschdorf that her claim for compensation of 12 November 2020 had been denied. The recommendation to deny the claim was endorsed by the Controller on behalf of the

Secretary-General. The ABCC once again determined that the onset date of illness was 11 April 2019 and not 14 September 2020 as she now contended. Accordingly, her claim “did not warrant reconsideration or reopening under Appendix D”. Further, the ABCC determined that her claim did not meet the requirements for a waiver of the time limit under Article 2.1(e) of Appendix D as the delay was not the result of incapacity as required. As a result, the ABCC reiterated that the claim was time-barred by the one-year time limit under Article 2.2 of Appendix D and not receivable.

45. In the impugned Judgment, the UNDT dismissed Ms. Raschdorf’s argument that the 5 November 2020 decision was substituted by Contested Decision A and therefore it could be appealed unlike the 5 November 2020 decision which was subject to the prior UNDT and UNAT judgments. The UNDT held that Contested Decision A had already been ruled upon by two final judgments and was *res judicata*. As a result, those parts of the application are not receivable.

46. Although we accept the previous determinations, the 12 November 2020 request was specifically sent to the ABCC as a reconsideration or reopening of her claim based on the filing of a new form P.290. The ABCC accepted it as a reconsideration or reopening when it sent the request to its 535<sup>th</sup> meeting for determination. Therefore, the ABCC issued a new administrative decision in Contested Decision A which is reviewable within the limited jurisdiction of the reconsideration or reopening authority. The ABCC’s jurisdiction to reopen or reconsider is authorized by Appendix D in exceptional and limited circumstances. Therefore, the issue is not whether Contested Decision A is *res judicata* but whether there are exceptional circumstances to reconsider or reopen the matter.

47. Article 5.1 of Appendix D gives the ABCC authority to reconsider decisions based upon a medical determination by the Medical Services Division or the United Nations Medical Director. This does not apply here. Contested Decision A does not appear to have been “based upon a medical determination”. As set out in the MEU’s response of 8 December 2023 in respect of Contested Decision A, “regarding the lack of determination of DHMOSH to assess your eligibility for compensation under Appendix D, the MEU observed in its letter that there was no basis for DHMOSH to make a medical determination unless the ABCC found your Appendix D claim to be receivable”.

48. The Managers’ Guide to Appendix D and the Advisory Board on Compensation Claims provide that the ABCC may also “reconsider” a decision upon new, material information submitted

by the claimant. This appears to be based on a “reopening” of the case in Article 5.3 if the new information is not medical.

49. Article 5.3 governs reopening of claims when one or more of the following criteria are met:

(a) The discovery of new material evidence, if such new material evidence may materially affect: (i) A determination as to whether a death, injury or illness was service-incurred; or (ii) A relevant medical determination;

(b) A worsening or improvement in the condition of the staff member, where such worsening or improvement is directly related to the service-incurred injury or illness, and which may entitle the staff member to additional compensation, or warrant the reduction or elimination of compensation;

(c) A material mistake was made by the United Nations in the processing of a claim that had an impact on its disposition....

The Secretary-General and the claimant shall be bound by determinations previously made, unless new material evidence or material mistake undermines or otherwise calls into question in substantial part those determinations.

50. In the present case, Ms. Raschdorf requested reconsideration and filed a new form stating that the date of the onset of illness was September 2020. However, her onset of illness was previously determined by the ABCC, the UNDT, and the UNAT to be in April 2019. There is no discovery of new material evidence regarding the new date for onset of illness, nor a material mistake made by the ABCC in making the determination on the onset of illness. She had previously filed her claim indicating the onset of illness as April 2019 supported by her physician’s report. In Contested Decision A, the ABCC did not err in relying on this evidence along with previous determinations in previous challenges filed by Ms. Raschdorf that the date of the onset of illness was April 2019. Therefore, her claim could not be reconsidered or reopened and it remained time barred as it was filed outside the one-year deadline set out in Article 2.1(b) of Appendix D.

51. Further, the ABCC properly held in Contested Decision A that it could not waive the deadline for submitting a claim as the claim did not meet the requirements for waiver under Article 2.1(e) which permits a waiver only “on an exceptional basis (...) in consultation with the Medical Services Division, in cases in which the claimant demonstrates that the delay was the result of incapacity”. There is no evidence of incapacity present here. Finally, the ABCC properly held that her claim for Appendix D benefits was not dependent on the determination of disability benefits under UNJSPF Regulations and Rules.

52. We find that the ABCC did not err in not reconsidering or reopening her claim and in denying her request to waive the time limits for filing her claim. Therefore, the UNDT properly dismissed her application.

*Contested Decisions B, C and D*

53. Ms. Raschdorf identified Contested Decision B, which is the ABCC recommendation of 30 June 2023 to reject the 12 November 2020 reformulation of her claim, as an administrative decision. A recommendation is not a final decision and therefore cannot be an appealable administrative decision. That decision is outlined in Contested Decision A, the substance of which is the same as the recommendation. Therefore, Contested Decision B is not receivable as an appealable administrative decision.

54. She also identified as administrative decisions the ABCC Secretariat's communications of 11 October and 19 October 2023 upholding the Controller's refusal to constitute a new medical board to appeal the decision not to waive deadlines and allow corrections of alleged procedural mistakes by the Organization (Contested Decisions C and D, respectively).

55. Contested Decision C is Contested Decision A. It is not a separate administrative decision and a separate application challenging it is not receivable.

56. Contested Decision D is an e-mail from an Administrative Officer dated 19 October 2023 responding to Ms. Raschdorf's inquiry about the recourse mechanism for requesting a medical review determination. In the e-mail, the Administrative Officer explained that current Appendix D applied to her case and her claim was time barred under Article 2 of Appendix D. This is another reiteration of Contested Decision A and the 5 November 2020 decision that Ms. Raschdorf has already challenged; it is not an appealable administrative decision.

57. The Appeals Tribunal has consistently held that the reiteration of an original administrative decision, if repeatedly questioned by a staff member, is not a separate administrative decision and does not reset the clock with respect to statutory timelines. Rather, the time window commences from the date on which the original decision was made. For this

reason, a staff member cannot delay the time for decision review by asking for reconsideration or confirmation of an administrative decision that had been communicated to him or her earlier.<sup>26</sup>

*Contested Decisions E and others*

58. Ms. Raschdorf identified various other communications from the Administration as contested decisions which are filed out of time and/or decided by previous litigation:

- a) the 30 May 2019 communication from the UNAMI Chief of Mission Support (CMS), informing her that her fixed-term appointment (FTA) would not be extended beyond 31 May 2019 (Contested Decision E1);
- b) the notification dated 28 May 2019 from UNAMI Human Resources (HR), informing her that they had been informed to initiate her check-out process unless she reported back to her duty station before 31 May 2019 (Contested Decision E2);
- c) the notification dated 26 June 2019 from the Head of Medical Entitlements, Division of Healthcare Management and Occupational Safety and Health (DHMOSH), Office of Support Operations, Department of Operational Support, informing her that she did not meet the requirements to be recommended for disability to the United Nations Joint Staff Pension Fund (UNJSPF) (Contested Decision E3);
- d) the CMS' non-decision of June 2019 (Contested Decision E4);
- e) the decision of the Regional Security Coordinator to request and authorize the travel of an incapacitated staff member (Contested Decision E5); and
- f) unspecified DHMOSH decisions from April 2019 onwards insofar as they specified a crucial component of administrative decisions, and delays in all other medical determinations and administrative action (Contested Decision E6).

59. In the impugned Judgment, the UNDT held that these decisions are “grounded on Decisions A-D” and since “the latter have all been rejected as irreceivable, they cannot stand on their own and are also rejected”.

60. Contested Decision E1 informed Ms. Raschdorf of the non-renewal of her appointment and has been litigated in *Raschdorf I* and therefore, is *res judicata*. She cannot continue to challenge her non-renewal. Similarly, Contested Decision E3 regarding her claim for disability under the UNJSPF has already been litigated in *Raschdorf I* and is *res judicata*. The Appeals Tribunal has issued a final judgment on the merits of this case; therefore, she cannot bring applications and

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<sup>26</sup> *Ahmad Mustafa et al. v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. 2021-UNAT-1126, para. 23 (internal citations omitted).

appeals of this matter again. Further, both Contested Decisions E1 and E3, were taken in 2019 and thus are not receivable as this application was filed well beyond the statutory deadlines.

61. Contested Decision E2 regarding check out procedures is not an administrative decision. It did not adversely affect Ms. Raschdorf's rights as set out in the terms of her appointment nor produce direct legal consequences.<sup>27</sup> It was a procedural communication. In addition, it was received by Ms. Raschdorf on 28 May 2019, and the application contesting it was filed beyond the deadlines; it was therefore not receivable *ratione temporis*.

62. Contested Decisions E4 and E5 were taken in 2019, and the application challenging these decisions is therefore not receivable *ratione temporis* in 2023. In addition, it is not clear that they are appealable administrative decisions with direct legal consequences on Ms. Raschdorf's terms of appointment.

63. Contested Decision E6 refers to a number of dated communications identified by Ms. Raschdorf either that do not constitute administrative decisions or the application challenging them is not receivable *ratione temporis* in 2023. Insofar as these communications refer to DHMOSH's conclusion that she is not eligible to receive a disability benefit from the UNJSPF, or to the decision not to extend her fixed-term appointment after she had exhausted her sick leave entitlements, these decisions were already addressed in the *Raschdorf I* Judgment and are therefore *res judicata*.

### *Conclusion*

64. In conclusion, the appeal is dismissed. Almost all of the decisions contested by Ms. Raschdorf in the appeal are *res judicata* or not appealable administrative decisions. As we stated in *Turk*:

(the) doctrine of *res judicata*, as established by our consistent jurisprudence, means that an application is not receivable *ratione materiae* when the matter has been resolved by a prior final judgment. *Res judicata* signifies that the same cause of action cannot be adjudicated twice. We have consistently reiterated that 'the authority of a final judgment—*res judicata*—cannot be so readily set aside. The party who loses cannot re-litigate his or her case. There must be an end to litigation, and the stability of the judicial process requires that final

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<sup>27</sup> *Lee v. Secretary-General of the United Nations*, Judgment No. 2014-UNAT-481, para. 49; *Andati-Amwayi v. Secretary-General of the United Nations*, Judgment No. 2010-UNAT-058, para. 17.

judgments by an appellate court be set aside only on limited grounds and for the gravest of reasons'.<sup>28</sup>

Those reasons are not present in this application, but Ms. Raschdorf continues to attempt to relitigate her case.

65. If Ms. Raschdorf continues this pattern of challenging administrative decisions previously adjudicated or non-decisions that are not appealable administrative decisions, this will amount to an abuse of the review and appeal processes of the United Nations' internal justice system and as such may lead to potential sanctions. She is attempting to re-litigate her claim and her case without cause. Being self-represented will no longer be an excuse. There must be finality to these matters and claims.

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<sup>28</sup> *Abdurrahman Turk v. Secretary-General of the United Nations*, Judgment No. 2025-UNAT-1525, para. 32 (internal citations omitted).



**Judgment**

66. Ms. Raschdorf's appeal is dismissed, and Judgment No. UNDT/2024/103 is hereby affirmed.

Original and Authoritative Version: English

Dated this 31<sup>st</sup> day of October 2025 in New York, United States.

*(Signed)*

Judge Sandhu, Presiding

*(Signed)*

Judge Ziadé

*(Signed)*

Judge Gao

Judgment published and entered into the Register on this 15<sup>th</sup> day of December 2025 in New York, United States.

*(Signed)*

Juliet E. Johnson, Registrar