



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2014-560

**Wesslund
(Applicant)**

v.

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

ORDER No. 169 (2014)

1. On 16 April 2013, the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) in New York issued Order No. 100 (NY/2013), by which it refused to file Ms. Kristina Wesslund's application on the ground that she failed to comply with the UNDT's filing requirements.
2. On 15 July 2013, Ms. Wesslund filed a "Motion for Writ of Mandamus" seeking review of Order No. 100 (NY/2013). In Judgment No. 2013-UNAT-390, the United Nations Appeals Tribunal (Appeals Tribunal) held that it had jurisdiction or competence to consider the "Motion for Writ of Mandamus" as an appeal of Order No. 100 (NY/2013); and it then determined the appeal was untimely and dismissed it as not receivable *ratione temporis*.
3. On 4 January 2014, Ms. Wesslund filed a document entitled "Appeal of UNDT's failure to exercise jurisdiction *or* petition to exercise original jurisdiction". In her purported appeal, Ms. Wesslund requests that the Appeals Tribunal "exercise its original jurisdiction to hear and pass judgment on [her] appeals of management evaluation decisions" or, in the alternative, "determine that UNDT failed to exercise jurisdiction vested in it with respect to [her] appeals of management evaluation decisions" and "remand this appeal".

4. By e-mail dated 9 January 2014, the Registry of the Appeals Tribunal declined to receive or file Ms. Wesslund's purported appeal on the ground that it did not comply with the requirements of the Appeals Tribunal Statute (Statute).¹ Ms. Wesslund challenges the Registry's decision.

5. Having carefully considered Ms. Wesslund's submission, as well as Judgment No. 2013-UNAT-390 and the records underlying that Judgment, this Tribunal finds that there is no basis to receive or file Ms. Wesslund's submission. First, on the face of the purported appeal, Ms. Wesslund clearly states that she is seeking review of "Management Evaluation Decisions of April 8, 2013 and April 29, 2013"; she is not seeking review of a decision by the Dispute Tribunal, as required by Article 2 of the Statute. (See also Article 8(5) of the Appeals Tribunal Rules of Procedure).

6. Second, the purported appeal is nothing more than a veiled attempt by Ms. Wesslund to obtain reconsideration of Judgment No. 2013-UNAT-390, and the Statute does not provide for the Appeals Tribunal to reconsider its Judgments.² To the contrary, the doctrine of *res judicata* would bar the Appeals Tribunal from considering a second appeal challenging Order No. 100 (NY/2013).

7. For the foregoing reasons, it is determined that Ms. Wesslund's submission is not receivable and the Registry IS HEREBY ORDERED not to receive and file it.

Original and Authoritative Version: English

Dated this 20th day of January 2014 in
Los Angeles, United States.

(Signed)
Judge Rosalyn Chapman
Duty Judge

Entered in the Register on this 21st day of
January 2014 in New York, United States.

(Signed)
Weicheng Lin, Registrar

¹ By plenary Order dated 17 June 2013, the Appeals Tribunal has unanimously determined that the Registrar shall have the authority to reject and not file submissions that are not provided for in the Appeals Tribunal's Statute and its Rules of Procedure.

² See, i.e., *Beaudry v. Secretary-General of the United Nations*, Judgment No. 2011-UNAT-129.