



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2022-1668

Ann-Christin Raschdorf

(Appellant)

v.

Secretary-General of the United Nations

(Respondent)

Order No. 448 (2022)

1. On 17 January 2022, the United Nations Dispute Tribunal (UNDT) in Nairobi issued Judgment No. UNDT/2022/004 in the matter of *Raschdorf v. Secretary-General of the United Nations*, whereby the UNDT dismissed Ms. Raschdorf's claims.
2. On 9 February 2022, the UNDT issued Order No. 013 (NBI/2022), entitled "Applicant's Motion for Correction of Judgment", granting in part Ms. Raschdorf's request for correction to the Judgment. The UNDT also issued a Corrigendum to the Judgment as UNDT/2022/004/Corr.1. It is unnecessary to describe the nature and effect of the correction for the purposes of the instant motion.
3. On 17 February 2022, Ms. Raschdorf filed a "Motion for Interim Measures," (the motion) in relation to the corrected Judgment (the impugned Judgment). In her motion, Ms. Raschdorf requests *inter alia* that the United Nations Appeals Tribunal (Appeals Tribunal) overturn the Impugned Judgment and rescind the contested decision.
4. On 18 February 2022, Ms. Raschdorf (the Appellant) filed an appeal with the Appeals Tribunal challenging the impugned Judgment.
5. On 24 February 2022, the Secretary-General (the Respondent) filed his comments opposing the motion arguing that the Appellant did not meet the requirements for requesting interim measures.

6. Article 9(4) of the Appeals Tribunal's Statute on which the Appellant relies provides that "[a]t any time during the proceedings, the Appeals Tribunal may order an interim measure to provide temporary relief to either party to prevent irreparable harm and to maintain consistency with the judgement of the Dispute Tribunal".

7. These are cumulative criteria, that must be established before the Appeals Tribunal can grant temporary relief.

8. Despite making comprehensive submissions which focus on her challenge to the correctness of the impugned Judgment, the irreparable harm that the Appellant says she will incur is that delay in finalising her appeal will cause her to lose "regular quality healthcare access (harm to her health) and the loss of basic income (harm to her social security)". The interim relief that she seeks is the reversal of the UNDT's Judgment and the referral of her claims to the United Nations Joint Staff Pension Fund for further consideration. She also seeks, by this motion, to have ordered the rescission of the Respondent's decision to separate her from service and a direction that she be paid for special leave on half pay until the Joint Staff Pension Fund is able to determine her claim thereto.

9. While the UNAT is not unsympathetic to the effects on appellants in the position of Ms. Raschdorf of delays in hearing and deciding such appeals because of the need to respond to and prepare for these, to grant her motion would require the consideration and decision of the whole of her appeal which will be a comprehensive exercise. As the Respondent has pointed out in opposition to the motion, it is really an application for both a priority hearing and decision of that appeal, and to obtain the relief she claims in that appeal by a form of summary judgment in her favour.

10. Despite the comprehensive submissions on the merits of her substantive case, Ms. Raschdorf has not established the irreparability of the effects she has briefly mentioned. Nor has she addressed and established the second limb of the test under Article 9(4), that the interim relief will maintain consistency with the UNDT's Judgment. This requires that such interim relief is necessary to preserve the *status quo* following the impugned Judgment, that is the dismissal of her claims. Ms. Raschdorf seeks an interim relief that would be the antithesis of that statutory requirement. For these reasons the

motion must be dismissed. I do, nevertheless, draw to the Registrar's attention the desirability of scheduling the appeal when it is ready.

IT IS HEREBY ORDERED that the Appellant's "Motion for Interim Measures" pending judgment on her appeal proceedings is **DENIED**.

Original and Authoritative Version: English

Dated this 15th day of March 2022
in Auckland, New Zealand.

(Signed)
Judge Graeme Colgan,
President

Entered in the Register on this 15th day of
March 2022 in New York, United States.

(Signed)
Weicheng Lin,
Registrar