



---

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

---

Case No. 2022-1687

**Sonia Bezziccheri**

**(Appellant)**

**v.**

**Secretary-General of the United Nations**

**(Respondent)**

**ORDER No. 472 (2022)**

1. On 18 February 2022, the United Nations Dispute Tribunal (Dispute Tribunal or UNDT) in Geneva issued Judgment No. UNDT/2022/016 in the matter of *Sonia Bezziccheri v. Secretary-General of the United Nations* (the impugned Judgment) in which the UNDT rejected her application requesting execution of Judgment UNDT/2019/012, which a) Ordered the rescission of a decision from the Medical Director, Medical Services Division, United Nations Headquarters, communicated to her on 29 December 2014, not to recommend her for disability consideration by the United Nations Staff Pension Committee (UNSPC); and b) Awarded her costs in the amount of USD 5,000.
2. On 16 April 2022, Ms. Bezziccheri (Appellant) filed an appeal against the impugned Judgment with the United Nations Appeals Tribunal (Appeals Tribunal or UNAT). On 27 June 2022, the Secretary-General (Respondent) filed his answer.
3. On 2 August 2022, Ms. Bezziccheri filed a motion for leave to file additional pleadings. She stated that the Secretary-General's answer to her appeal did not address the UN Medical Director's major deficiencies in its handling of the Medical Board, nor its failure to comply with ST/AI/400 on notification of Ms. Bezziccheri's rights, and it has not fully and fairly executed the Secretary-General's decision of 28 February 2022 officially sending the Bongiovanni's "2013/2014 Comprehensive Medical Report" to the Medical Director for follow up action and review under section 2.5 of ST/AI/2005/3 and section 14 of ST/AI/400, as well as Judgment 2019/UNDT/012.

4. On 18 August 2022, the Secretary-General filed his comments. He requests that the motion be rejected because it does not meet the legal requirement of exceptional circumstances justifying the introduction of additional pleadings and evidence, and the additional pleadings in the motion merely repeat and supplement the appeal. He also submits that Ms. Bezziccheri has failed to request leave to introduce the two additional documents that are not part of the record and explain why the provision of additional documentary evidence at this stage of the present case would be in the interest of justice and the efficient and expeditious resolution of the proceedings as required by the UNAT Statute.

5. Article 31(1) of the Appeals Tribunal's Rules and Section II.A.3 of the Appeals Tribunal's Practice Direction No. 1 provide that a motion to file an additional pleading may be granted if there are "exceptional circumstances justifying the motion."

6. Article 2(5) of the Appeals Tribunal's Statute reads: "In exceptional circumstances, and where the Appeals Tribunal determines that the facts are likely to be established with documentary evidence, including written testimony, it may receive such additional evidence if that is in the interest of justice and the efficient and expeditious resolution of the proceedings.

7. I find there are no exceptional circumstances present in this case to justify receipt of the additional pleadings or evidence.<sup>1</sup> I find it is not in the interests of justice and of efficient and expeditious resolution of proceedings to receive the additional evidence provided by Ms. Bezziccheri's motion to file additional pleadings.

8. In Ms. Bezziccheri's submissions, she largely repeats or supplements arguments in her appeal and includes new evidence not before the Dispute Tribunal, including two e-mail communications subsequent to the impugned Judgment. There is no motion for the Appeals Tribunal to accept this new evidence, the relevance of which is not clear to the issues in the appeal. That evidence is not accepted.

9. The present appeal concerns the execution of UNDT Judgment No. UNDT/2019/012 (Bezziccheri), and whether the administrative decision of 29 December 2014 not to recommend her for disability consideration by the UNSPC had

---

<sup>1</sup> UNAT Order No. 173 (2014) (McCloskey), para. 6. See also UNAT Order No. 339 Corr. (2019) (Nouinou), para. 6; UNAT Order No. 396 (2021) (Dolgoplov).

been rescinded as ordered. In the impugned Judgment, the Dispute Tribunal held it had previously rescinded the decision not to recommend Ms. Bezziccheri for disability consideration, which entailed the launching of a new procedure to assess if she is incapacitated. The Dispute Tribunal held this had occurred albeit the parties disagree on how to move forward with it. Therefore, the issue in the present appeal before the Appeals Tribunal is whether the Dispute Tribunal committed errors as enumerated in Article 2 of the Statute of the United Nations Appeals Tribunal in making this finding. It is not to rehear the original application<sup>2</sup>. Nor is the appeal an opportunity to review new, different administrative decisions, or to review disagreements on the new procedure to assess the disability.

**IT IS HEREBY ORDERED** that Ms. Bezzicceheri's motion seeking leave to file additional pleadings **IS DENIED**.

Original and Authoritative Version: English

Dated this 31<sup>st</sup> day of August 2022  
in Vancouver, Canada.

*(Signed)*  
Judge Kanwaldeep Sandhu,  
Presiding

Order published and entered in the Register on this  
31<sup>st</sup> day of August 2022 in New York, United States.

*(Signed)*  
Weicheng Lin,  
Registrar

---

<sup>2</sup> Judgment No. 2021-UNAT-1136 (Al Farajeh), para. 37; Judgment No. 2019-UNAT-974 (Abu Salah), para. 45; Judgment No. 2015-UNAT-540 (Aliko), para. 28; Judgment No. 2010-UNAT-096 (Antaki), para. 21.