



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2023-1803

Ann-Christin Raschdorf

(Applicant)

v.

Secretary-General of the United Nations

(Respondent)

Order No. 525 (2023)

1. Before the United Nations Dispute Tribunal (UNDT or Dispute Tribunal), Ms. Ann-Christin Raschdorf, a former staff member of the United Nations Assistance Mission for Iraq (UNAMI), contested the decisions not to renew her fixed-term appointment beyond 31 May 2019; not to recommend her for a disability pension; and to reject her claim for compensation under Appendix D.
2. By Judgment No. UNDT/2022/004, the UNDT dismissed the application.
3. Ms. Raschdorf filed an appeal, and on 11 May 2023, the United Nations Appeals Tribunal (UNAT or Appeals Tribunal) issued Judgment No. 2023-UNAT-1343 dismissing Ms. Raschdorf's appeal and upholding the UNDT Judgment.
4. On 21 May 2023, Ms. Raschdorf filed an application for revision of Judgment No. 2023-UNAT-1343 (Application for Revision).
5. On 22 May 2023, the UNAT Registry transmitted the application to the Secretary-General advising that under the UNAT Rules of Procedure, the Secretary-General had 30 days to file his comments.
6. On 21 June 2023, the Secretary-General filed his comments.
7. On 22 June 2023, the UNAT Registry transmitted the Secretary-General's comments to Ms. Raschdorf.

8. That same day, Ms. Raschdorf filed a motion seeking to exclude the Secretary-General's comments on the Application for Revision from the record (Motion to Exclude) on grounds that the comments had been filed late.

9. On 24 June 2023, Ms. Raschdorf filed a motion requesting a Summary Judgment (Motion for Summary Judgment) as she claims that as a result of the Secretary-General's untimely comments, "all decisive facts in the case, as outlined in the application for a revision, remain[ed] uncontested" and it could reasonably be assumed "that there [wa]s no longer a dispute on material facts in the case".

10. On 6 July 2023, the Secretary-General filed his responses opposing both Motions. The Secretary-General submits that in its transmittal e-mail dated 22 May 2023, the UNAT Registry informed the Secretary-General that comments on the Application for Revision, if any, were due 30 days from the day of the transmittal e-mail; and that pursuant to Article 29 (Calculation of time limits) of the UNAT Rules of Procedure (Rules), the Secretary-General was thus required to submit comments, if any, by 21 June 2023, the day on which the Secretary-General's comments on the Application for Revision were filed. Since the comments on the Application for Revision were filed timely, both Motions lack merit and must fail.

11. Article 29 of the Rules clarifies how the periods of time stated in the Rules are to be calculated. Article 29(a) and (c) of the Rules provides that the time limits prescribed in the Rules "[r]efer to calendar days, but shall not include the day of the event from which the period runs" and "[s]hall be deemed to have been met if the documents in question were dispatched by reasonable means on the last day of the period".

12. Accordingly, the Secretary-General was required to submit his comments, if any, 30 days from 22 May 2023, i.e. by 21 June 2023, which is the day his comments were filed. I am therefore satisfied that the Secretary-General's comments were filed timely. The Motion to Exclude therefore falls to be dismissed.

13. A summary judgment, pursuant to Article 19(2) of the Rules of Procedure, is only appropriate when there is no dispute as to the material facts of the case and a party is entitled to judgment as a matter of law.¹ The Respondent disputes what Ms. Raschdorf

¹ *Koumoin v. Secretary-General of the United Nations*, Order No. 308 (2018), para. 8, citing *Auda v. Secretary-General of the United Nations*, Judgment No. 2017-UNAT-740.

says are “decisive facts” as required for an application for revision. There is accordingly no basis to issue summary judgment.

14. As a result, Ms. Raschdorf’s Motion for Summary Judgment, which is also based on the alleged untimely filing of the Secretary-General’s comments, is equally dismissed.

IT IS HEREBY ORDERED that Ms. Raschdorf’s Motion to Exclude and her Motion for Summary Judgment are **DENIED**.

Original and Authoritative Version: English

Decision dated this 27th day of July 2023
in Vancouver, Canada.

(Signed)
Judge Kanwaldeep Sandhu,
President

Order published and entered in the Register on this
27th day of July 2023 in New York, United States.

(Signed)
Juliet Johnson,
Registrar