



Before: Judge Sean Wallace

Registry: Nairobi

Registrar: Wanda L. Carter

SHIALA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**JUDGMENT ON AN APPLICATION
FOR REVISION**

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Alister Cumming, UNICEF

Introduction

1. The Applicant is a former driver for the United Nations Children’s Fund (“UNICEF”). On 5 August 2025, he filed an Application for Revision of Judgment No. UNDT/2025/033.

2. The Respondent filed a reply on 11 September 2025.

3. On 6 November 2025, the Applicant filed a motion to introduce additional evidence in support of his request for revision. With this motion, the Applicant filed a copy of UNICEF’s response to his management evaluation request.

Facts

4. On 26 November 2024, the Applicant filed an application contesting UNICEF’s handling of his request for compensation for an injury allegedly incurred in a work-related accident on 28 February 2021.

5. On 12 June 2025, the Tribunal issued Judgment No. UNDT/NBI/2025/033 on receivability, dismissing the application on the ground that the Applicant had failed to identify an administrative decision capable of being reviewed.

6. On 23 July 2025, the Applicant filed a request for management evaluation of a decision contained in “correspondence of May 12, 2025, communicated by ABCC/HR (Implicit decision response from the ABCC office on the request for a formal decision”).

7. On 20 October 2025, UNICEF Management responded that the management evaluation request was not receivable because the Applicant “[had] not identified any contestable administrative decision.” Specifically, the management response found that the 12 May 2025 correspondence from the UNICEF Social Benefits Team “simply referred to the previous communication from the ABCC Secretariat of 2 October 2024. It does not contain any decision that has a direct and adverse impact on your contractual rights. As a result, there is nothing for me to review.”

8. The instant application was filed following that management evaluation response.

Consideration

9. First, the Tribunal will grant Applicant's motion to introduce additional evidence in support of his request for revision. Thus, the additional information was reviewed in examining his application.

10. Article 12.1 of the Tribunal's Statute provides that:

Either party may apply to the Dispute Tribunal for a revision of an executable judgement on the basis of the discovery of a decisive fact which was, at the time the judgment was rendered, unknown to the Dispute Tribunal and to the party applying for revision, always provided that such ignorance was not due to negligence.

The Rules of Procedure of the Tribunal embody similar provisions in art. 29.1.

11. In the present case, the Tribunal notes that the Applicant is not seeking a revision of the judgment *per se*. Instead, he is asking the Tribunal to re-open the proceedings in the case closed by Judgment No. UNDT/2025/033. Doing so requires the Applicant to identify a decisive fact which would warrant revision of the judgment, as stipulated in art. 12.1 of the Tribunal's Statute.

12. The only fact that he proffers is the 20 October 2025 response to his management evaluation request filed after the judgment. However, the Appeals Tribunal has held that "crucially, facts which occur after a judgment has been rendered cannot be the basis for revision of a judgment." *AAH* 2024-UNAT-1410. Thus, the 20 October 2025 management evaluation response cannot support a revision of the prior judgment.

13. Additionally, the management evaluation response does not set forth any decisive fact which would affect the original judgment and thus warrant revision of the judgment.

14. The Tribunal, therefore, finds that the present application must fail for want of a valid statutory basis. Revision of judgment is not an additional opportunity to

re-litigate arguments that failed in a previous case. *Fairweather* 2021-UNAT-1128, para. 36; and *Maghari* UNAT-2013-393, para. 19.

Conclusion

15. In view of the foregoing, the Tribunal denies the application for revision of judgment.

(Signed)

Judge Sean Wallace

Dated this 20th day of November 2025

Entered in the Register on this 20th day of November 2025

(Signed)

Wanda L. Carter., Registrar, Nairobi