



Before: Judge Sean Wallace

Registry: Nairobi

Registrar: Wanda L. Carter

PASI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**JUDGMENT ON AN APPLICATION
FOR REVISION**

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Nicole Wynn, AS/ALD/OHR/UN Secretariat

Victoria Mujunga, AS/ALD/OHR/UN Secretariat

Introduction

1. On 18 November 2025, the Applicant filed an application for revision of Judgment No. UNDT/2025/066 which was issued on 19 September 2025.

Facts

2. The Applicant serves as a Field Language Assistant with the United Nations Mission in South Sudan (“UNMISS”), on a fixed-term appointment.

3. On 14 April 2025, he filed an application contesting a decision by the Administration to refer his submissions relating to the establishment of dependency and possible parental leave to the Office of Internal Oversight Services (“OIOS”). That case was registered with the Tribunal as Case No. UNDT/NBI/2025/035.

4. On 19 September 2025, the Tribunal issued Judgment No. UNDT/2025/066 in said case, where it declared that the misconduct referral to OIOS was unlawful but denied the Applicant’s claims for damages. The Tribunal described the Applicant’s request for damages as:

56. In the present application, the (self-represented) Applicant says he is seeking “remedies for malicious misconduct.” He expounded on this request in the rejoinder where he stated,

by reporting me to OIOS to be investigated from entitlement fraud without proper review of my revised marriage certificate provided by the local authority, the administration ... directly harmed my dignity. I have been unwarranted and subjected to punitive measures just because the administration was retaliating to my filing of several cases against them.

57. The Applicant then identifies the evidence of harm to his dignity as: denial of his parental leave; isolation at the workplace; difficulty having his annual leave approved; intimidation by his First Reporting Officer (“FRO”) during the ePAS [performance appraisal] self-evaluation “because the administration directed my supervisors to deal with me in that manner; stress, which affected my physical health.”

5. In denying the Applicant damages, the Tribunal found:
- a. The Applicant had not identified any harm resulting from the delay in granting him parental leave;
 - b. The Applicant complained of difficulty having his annual leave approved but presented no evidence as to whether the annual leave was denied or delayed and, if so, how it was a direct result of the OIOS referral;
 - c. The Applicant presented no details or supporting evidence for the claim that he was isolated at the workplace;
 - d. The claim that his FRO intimidated him during the ePAS self-evaluation was neither substantiated nor linked to the contested decision; and
 - e. The medical and lab report presented to substantiate his claim that stress affected his physical health were insufficient evidence of a direct causal link between the reported symptoms and the contested decision.

The Applicant's submissions

6. The Applicant's request for revision of Judgment No. UNDT/2025/066 is premised on the following allegations:
- a. The UNMISS Staff Counselling Unit provided his daughter, her mother and himself psychosocial support service including counselling on 8, 11, 23 and 24 April 2025.
 - b. They advised him to report his daughter's issue to the Department of Safety and Security and referred his daughter for treatment at a hospital in Juba due to the stress suffered because of the delay in granting him parental leave.
 - c. These facts were unknown to him and, as a result, to the Dispute Tribunal because:

my thoughts were overcome by the stress. My mind could not acknowledge to note that I was provided psychosocial support services by UNMISS Staff Counselling Unit during the periods I was preparing to submit my UNDT Application/Rejoinder. Also, to make it worse, the details of the counselling services that were provided to us by UNMISS Staff Counselling Unit were kept confidentially in nature and were saved in the electronic system of the Unit only/no soft or hard copy documents were provided to me after counselling so as to draw mental impression of whether to use it as support documentation for the harm experienced in the UNDT application/rejoinder. My mind was only focussed on struggling to see that my daughter gets better. In my application/rejoinder, I only concentrated on the revised documentations, HRMS emails and the investigation documentations then with me at hand as annexes to my application/rejoinder.

d. He became aware of these decisive facts on 7 November 2025 when the Human Resources Management Service sent him an email requiring an explanation for his absence from duty on 22 October 2025. After explaining why he could not report to duty on the specified date, he recalled the consultation with the Counselling Unit.

e. There is sufficient evidence from the Counselling Unit's records of the stress he and his daughter suffered due to the delay in granting him parental leave.

Considerations

7. Article 9 of the UNDT Rules of Procedure provides, *inter alia*, that the "Dispute Tribunal may determine, on its own initiative, that summary judgement is appropriate." Summary judgment is considered an appropriate tool to deal with issues of receivability which are matters of law and not of fact. *Fakhouri* 2025-UNAT-1577, para. 43. The UNDT enjoys wide powers of appreciation in all matters relating to case management to enable cases to be judged fairly and expeditiously. *Khambatta* 2012-UNAT-252, para. 15.

8. The Tribunal has determined that summary judgment is appropriate in this case based on the application being deficient on its face. Thus, there is no need for additional input from the Respondent.

9. An application for revision of judgment is governed by article 12.1 of the UNDT Statute which stipulates 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 judgement 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 application must be made within 30 calendar days of the discovery of the fact and within one year of the date of the judgement.

10. Similar wording is found in art. 11.1 of the United Nations Appeals Tribunal (“UNAT”) Statute. The Appeals Tribunal applied this provision in *Hossain* 2024-UNAT-145, para. 39, citing *Mohammad* 2023-UNAT-1352, para. 31, holding that

[F]or an application for revision to be considered receivable, it should comply with four requirements simultaneously:

- i) the new fact discovered was unknown to the Appeals Tribunal and to the party applying for revision at the time the judgment was rendered;
- ii) such ignorance was not due to negligence of the moving party;
- iii) the new fact would have been decisive in reaching the original judgment;
- iv) the application was made within 30 calendar days of the discovery of the fact and within one year of the date of the judgment

11. Applying this analysis to the instant case, the primary issue is whether the Applicant has presented a new and decisive fact that was unknown to him and the Dispute Tribunal on 19 September 2025 when Judgment No. UNDT/2025/066 was decided.

12. The Applicant obviously knew, when he filed his previous application on 14 April 2025, that he, his daughter and the daughter’s mother were in counselling during the previous week. Similarly, he knew of those counselling visits, and the additional visit, when he filed his rejoinder on 21 July 2025.

13. It is not believable that the Applicant only became aware of this counselling on 7 November 2025 when he was asked about his failure to report to duty on 22 October 2025. Given the temporal proximity between the issuance of Judgment No. UNDT/2025/066 and the Applicant's supposed discovery of the decisive facts, it is more likely that the Applicant realized, after reading the judgment, that he ought to have included evidence of any harm causally linked to the contested decision in Case No. UNDT/NBI/2025/035.

14. However, even if the Applicant were to be believed, his professed ignorance of this fact is at the very least negligent.

15. Moreover, this counselling is not evidence of damages resulting from the contested decision. That decision related to the Applicant's request for dependency allowance for a child born on 2 December 2023 to his unrecognized spouse. The child in counselling is a different child, who was born on 12 December 2013 to a different mother from whom the Applicant is long separated. According to the Applicant's annexes, the counselling relates to alleged abuse of the ten-year-old at the hands of teachers and caretakers at her school in a different country. None of the submitted documents connect the counselling in any way to the denial of a dependency allowance for the younger child or the related referral to OIOS. As such it is neither material nor decisive to the judgment that the Applicant seeks to revise.

16. An application for revision of a judgment cannot be a collateral means of contesting a judgment, nor can it be allowed to be a second right of appeal. *Hossain, Id.*, para. 45 citing *Giles* 2022-UNAT-1224, para. 25.

[A]n application for revision is not a substitute for an appeal; and no party may seek revision of a judgment merely because he or she is dissatisfied with it and 'wants to have a second round of litigation'. A revision of a final judgment is an exceptional procedure and not an additional opportunity for a party to re-litigate arguments that failed at trial or on appeal.

17. In this case, the Applicant is clearly trying to use the revision of judgment rule to have “a do over” because he is dissatisfied with the denial of damages in the judgment. That cannot be permitted.

Conclusion

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

(Signed)

Judge Sean Wallace

Dated this 24th day of November 2025

Entered in the Register on this 24th day of November 2025

(Signed)

Wanda L. Carter, Registrar, Nairobi