



Case No. 2010-053



Counsel for Appellant: Self-represented

Counsel for Respondent: Phyllis Hwang

JUDGE ROSE BOYKO , Presiding.

Synopsis

1. The Appeals Tribunal issues a corrigendum to Judgment No. 2010-UNAT-050 in order to correct an error made in the Judgment concerning the receivability of the appeal. The Appeals Tribunal confirms its dismissal of the appeal.

Facts and Procedure

2. In Judgment No. 2010-UNAT-050, the Appeals Tribunal held that the appeal by Ishak was time-barred, and not receivable, and therefore dismissed it in its entirety. In its consideration of the merits of the appeal, this Tribunal held that the United Nations Dispute Tribunal (Dispute Tribunal or UNDT) had correctly concluded that it had no jurisdiction to hear Ishak’s appeal before the Joint Appeals Board. Judgment No. 2010-UNAT-050 was issued to the parties on 16 August 2010.

3. On 27 August 2010, Ishak wrote to the Registrar of the Appeals Tribunal expressing surprise that the Appeals Tribunal had found his appeal time-barred, as he had been granted an extension of time to file his appeal to 16 February 2010 and he had filed his appeal on that date.

Considerations

4. The review of the e-mail correspondence between the Registry and Ishak confirms that the Registry informed Ishak that the time limit to file his appeal was extended to 16 February 2010. As recorded in paragraph 7 of the Judgment, Ishak filed his appeal on 16 February 2010. Accordingly, the appeal was receivable under Article 7 of the Statute of the Appeals Tribunal.

5. Article 26 of the Rules of Procedure of the Appeals Tribunal provides that “[c]lerical or arithmetical mistakes, or errors arising from any accidental slip or omission, may at any time be corrected by the Appeals Tribunal, either on its own initiative or on the application by any of the parties on a prescribed form”. It is necessary to correct the Judgment to reflect that Ishak’s appeal was receivable. Given that this Tribunal considered the merits of the appeal in the Judgment, the correction does not alter the outcome of the appeal.

Judgment

6. The Appeals Tribunal makes the following corrections to Judgment No. 2010-UNAT-050. Paragraph 2 of the Judgment is deleted and replaced with the following sentence: “We agree with the UNDT that it had no jurisdiction to hear this matter. The appeal is dismissed in its entirety.”

7. Paragraph 7 of the Judgment is deleted and replaced with the following paragraph:

Ishak received the English translation of Judgment No. UNDT/2009/042 on 23 December 2009. After receiving an extension of the time limit to file his appeal to 16 February 2010, Ishak filed an appeal and a “Request for Oral Hearing and Leave to File Further Allegations of Malfeasance by the Registrar of the Geneva UNDT” on 16 February 2010. The appeal was sent

