



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

Case No. 2009-013



JUDGE MARK P. PAINTER, Presiding.

Facts and Procedure

1. On 1 July 2010, this Tribunal issued Judgment No. 2010-UNAT-036 affirming the finding of the Dispute Tribunal (UNDT) that Costa's case was time-barred, and that the UNDT had no jurisdiction to waive the time limits for management evaluation or requests for administrative review. In that Judgment we decided to disapprove the reasoning of the UNDT Judgment in *Rosca*.¹

2. On 15 September 2010, Costa, through the Office of Staff Legal Assistance, filed an Application to set aside Judgment No. 2010-UNAT-036 and remand the case to the UNDT. Costa argues that this Tribunal committed an error in law when it affirmed the UNDT judgment in *Costa* and disapproved the UNDT ruling in *Rosca*, and that such error could lead to a "miscarriage of justice", if not corrected. Costa concedes that her Application does

Judgment

5.