



UNITED NATIONS APPEALS TRIBUNAL
TRIBUNAL D 'APPEL DES NATIONS UNIES

Judgment No. 2024-UNAT-1425

Oswaldo Di Mario
(Applicant)

v.

Secretary -General of the United Nations
(Respondent)

JUDGMENT ON APPLICATION FOR INTERPRETATION

Before:	Judge Nassib G. Ziadé, Presiding Judge Leslie F. Forbang Judge Abdelmohsen Sheha
Case No.:	2023-1808
Date of Decision:	22 March 2024
Date of Publication:	1 May 2024
Registrar:	Juliet E. Johnson

Counsel for Applicant:	Michel Celi Vegas
Council for Respondent:	Angélique Trouche

JUDGE NASSIB G.

transaction and informed him that this manoeuvre was not allowed. Mr. Di Mario acquiesced and paid the bill in cash.

7. The Office of the Inspector General conducted an investigation, finding that Mr. Di Mario had committed several acts of misconduct, including by diverting UNHCR gasoline for personal use over several years.

8. On 29 July 2019, Mr. Di Mario was served with a letter dated 23 July 2019 from the Administration of UNHCR imposing a disciplinary measure of separation from service with compensation in lieu of notice and one-half termination pay for having used the UNHCR credit card and tax exemption card more than 10 times to fill a personal gas can.

9. On 28 October 2019, Mr. Di Mario filed an application with the Dispute Tribunal challenging the decision of 23 July 2019. On 28 December 2021, in its Judgment No. UNDT/2021/163, the Dispute Tribunal dismissed Mr. Di Mario's application in its entirety.

10. Mr. Di Mario appealed the Judgment of the Dispute Tribunal to the Appeals Tribunal. On 24 March 2023, the latter dismissed the appeal and ordered that the matter be referred to the High Commissioner for possible action to enforce accountability.

Judgment of the Appeals Tribunal

11. The Appeals Tribunal found that it had been established that Mr. Di Mario had used

informal use of UNHCR drivers'

Secretary-General maintains that Mr. Di Mario 's application for interpretation is not intended to clarify an ambiguity or inconsistency in the meaning or scope of the Appeals Tribunal's Judgment, but rather to obtain an amendment to this Judgment in order to accommodate his new claims concerning the disciplinary measure.

18. Lastly, the Secretary-General notes that, in any event, a possible action to enforce accountability will have no effect on the Judgment of the Appeals Tribunal.

Considerations

19. In support of his application for interpretation of the Appeals Tribunal 's Judgment of 24 March 2023, Mr. Di Mario maintains that it is imperative to specify the terms and time limits in accordance with which UNHCR should undertake to submit a report establishing the accountability referred to in paragraph 84 of the Judgment. Mr. Di Mario also maintains that

41(o3i)5.

THE UNITED NATIONS APPEALS TRIBUNAL

THE UNITED NATIONS APPEALS TRIBUNAL