



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

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Judgment No. 2024-UNAT-1438

**Ann-Christin Raschdorf  
(Applicant)**

**v.**

**Secretary-General of the United Nations  
(Respondent)**

**JUDGMENT ON REVISION, CORRECTION AND  
INTERPRETATION**

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Before:	Judge Gao Xiaoli, Presiding Judge Katharine Mary Savage Judge Kanwaldeep Sandhu
Case Nos.:	2023-1803, 2023-1806 & 2023-1809
Date of Decision:	22 March 2024
Date of Publication:	8 May 2024
Registrar:	Juliet E. Johnson

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Counsel for Applicant:	Self-represented
Counsel for Respondent:	Noam Wiener/Sylvia Schaefer

**JUDGE XIAOLI GAO, PRESIDING.**

1. Ms. Ann-Christin Raschdorf, a former P-4 Political Affairs Officer with the United Nations Assistance Mission for Iraq (UNAMI), has filed three separate applications, for revision, correction and interpretation, respectively, of Judgment No. 2023-UNAT-1343 issued by the United Nations Appeals Tribunal (UNAT or Appeals Tribunal) on 11 May 2023 (UNAT Judgment). In that Judgment, the UNAT affirmed Judgment No. UNDT/2022/004, by which the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) dismissed Ms. Raschdorf's application challenging the non-renewal of her fixed-term appointment, the decision by the Division of Healthcare Management and Occupational Safety and Health (DHMOSH) not to recommend her for a disability pension, and the decision of the Advisory Board on Compensation Claims (ABCC) to reject her claim for compensation. The UNAT found that the UNDT had not erred in finding that the application was not receivable *ratione materiae* in relation to the non-renewal decision and the ABCC decision and that the DHMOSH decision was legal, rational, and procedurally correct.
2. By Order No. 543 (2023), the UNAT consolidated the three applications "for all purposes".
3. The UNAT is also seized of three procedural motions by Ms. Raschdorf in relation to her applications.
4. For the reasons set out below, the Appeals Tribunal dismisses the applications for revision and interpretation and grants in part the application for correction.

**Facts and Procedure**

5. Ms. Raschdorf joined the United Nations Secretariat in April 2004. Since 2007, she served on fixed-term appointments as a Political Affairs Officer with UNAMI at the P-4 level. She separated from service from the Organization on 31 May 2019.<sup>1</sup>
6. Before the UNDT, Ms. Raschdorf challenged the non-renewal of her fixed-term appointment, the decision by DHMOSH not to recommend her for a disability pension and the decision by the ABCC to reject her claim for compensation.<sup>2</sup>

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<sup>1</sup> UNAT Judgment, para. 4.

<sup>2</sup> *Ibid.*, para. 1.

7. On 17 January 2022, the UNDT issued its Judgment dismissing the application in its entirety. The UNDT found that the application was not receivable *ratione materiae* in relation to the non-renewal decision and the ABCC decision because Ms. Raschdorf had failed to request management evaluation of these decisions. The UNDT further found that the DHMOSH decision was legal, rational, and procedurally correct.

*Procedure before UNAT and UNAT Judgment*

8. Ms. Raschdorf appealed.

9. On 15 March 2022, the Appeals Tribunal issued Order No. 448 (2022) dismissing Ms. Raschdorf's motion for interim measures. By Order No. 462 (2022) dated 14 June 2022, the Appeals Tribunal denied Ms. Raschdorf's motion for additional pleadings.

10. On 23 March 2023, Ms. Raschdorf filed a motion seeking leave to correct typographical errors in her appeal brief. Given the proximity of the filing date and the commencement of the Appeals Tribunal's March 2023 session, the motion was added to the case file for consideration by the panel as a preliminary matter.<sup>3</sup>

11. On 11 May 2023, the UNAT issued Judgment No. 2023-UNAT-1343 dismissing Ms. Raschdorf's appeal. The UNAT held that the UNDT correctly found not receivable Ms. Raschdorf's application with respect to the non-renewal decision and the ABCC's decision given Ms. Raschdorf's failure to request management evaluation. The UNAT found that contrary to Ms. Raschdorf's contention, the non-renewal decision was not taken subsequent to advice from a technical body. As to the ABCC's decision on whether the claim was time-barred, the UNAT found that that decision was not based on a consideration of a medical evaluation but was concerned with the timeliness of the application and thus with an administrative aspect of the ABCC's work. The requirement for management evaluation therefore applied to both decisions. As to the decision not to recommend Ms. Raschdorf for a disability benefit, the UNAT held that the Dispute Tribunal did not err in fact or law in finding that Ms. Raschdorf had not demonstrated that DHMOSH committed any procedural errors in arriving at the contested decision.

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<sup>3</sup> *Ibid.*, para. 18.

*Procedural History of Filings before UNAT post-UNAT Judgment*

*Application for revision (Case No. 2023-1803)*

12. On 21 May 2023, Ms. Raschdorf filed an application for revision of judgment. On 22 June 2023, the Secretary-General filed his comments.

13. On 26 November 2023, Ms. Raschdorf filed a “Motion for inclusion” in revision. The Secretary-General filed his response on 6 December 2023.

*Application for correction (Case No. 2023-1806)*

14. On 23 May 2023, Ms. Raschdorf filed an application for correction of judgment. On 22 June 2023, the Secretary-General filed his comments.

15. On 24 November 2023, Ms. Raschdorf filed a motion seeking leave to file additional pleadings in relation to her application for correction. The Secretary-General filed his response on 6 December 2023.

16. On 7 December 2023, Ms. Raschdorf filed a “Motion to correct omission”. The Secretary-General filed his response on 14 December 2023.

*Application for interpretation (Case No. 2023-1809)*

17. On 30 May 2023, Ms. Raschdorf filed an application for interpretation of judgment. On 21 June 2023, the Secretary-General filed his comments.

*Consolidation Order*

18. By Order No. 543 (2023), the UNAT consolidated the three applications “for all purposes” finding that it was “appropriate for the fair and expeditious management of the case[s] and to do justice to the parties” to do so.<sup>4</sup>

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<sup>4</sup> *Ann-Christin Raschdorf v. Secretary-General of the United Nations*, Order No. 543 (2023), para. 6.

## Submissions

### **Ms. Raschdorf's Applications and the Secretary-General's Comments**

#### *Application for Revision (Case No. 2023-1803)*

19. Ms. Raschdorf *inter alia* claims “[t]he fact that the ABCC has decided ... to receive ... her Annex D request ... first through the MEU ... and then through [Ms. Raschdorf] in relation to a claim of 12 November 2020 for the correction of a nondecision on a P-290 form by the ABCC and [Kuwait Joint Support Office (KJSO)] ... is decisive.” This, she contends, shows that mistakes were made on the day of her separation as she was separated based on an “incomplete administrative action”. She further contends that “[e-]mail records that were shared by KJSO in April 2023 have proven that the ABCC/KJSO have not engaged with her case in a meaningful way. [...] A P-290 form that was submitted as a correction (and was never reviewed by the UNDT or UNAT) was never forwarded to the ABCC and also deleted from the e-mail record by KJSO in April 2023.” As a consequence, irrelevant matters were considered and relevant matters were ignored. Finally, Ms. Raschdorf submits that the medical (disability) report dated 2 April 2019 is new evidence, alleging such evidence was not appropriately forwarded by the Medical Services Division to the UNDT and thus not before the UNAT when it rendered its Judgment. Ms. Raschdorf submits that her reading of a 2020 UNAT Judgment in 2023 also resulted in the discovery of a new fact.

20. The Secretary-General submits that Ms. Raschdorf's assertions fail to demonstrate any new, decisive facts unknown to her or to the UNAT at the time it rendered its Judgment, as required by Article 11 of the UNAT Statute. The alleged facts which, according to Ms. Raschdorf, warrant a revision of the UNAT Judgment were either known to her and the UNAT at the time the UNAT Judgment was rendered or should have been known to her at that time. The facts surrounding her 12 November 2020 claim were well known to her years prior to the issuance of the UNAT Judgment. Also, her contention that the medical report dated 2 April 2019 had not been appropriately forwarded by the Medical Services Division to the UNDT and constituted new evidence lacks merit. Ms. Raschdorf should have been aware that the medical report had not been submitted as evidence and it was her responsibility to submit relevant evidence into the record before the Tribunals. Finally, Ms. Raschdorf refers to the jurisprudence of the UNAT and UNDT which the Secretary-General says does not constitute newly discovered facts.

21. The Secretary-General asks that the UNAT dismiss the application for revision.

*Application for Correction (Case No. 2023-1806)*

22. Ms. Raschdorf requests a correction of alleged “errors, omissions and mistakes” on the basis of the written record. She *inter alia* alleges that at paragraphs 7 and 9, the UNAT erroneously referred to the period from 31 May 2019 to 1 June 2020 as being less than a year, that at paragraph 13, the UNAT indicated the wrong date for her first ABCC claim and at paragraph 44 wrongly referred to the ABCC instead of the UNJSPF for remanding the case back.

23. The Secretary-General contends that with respect to two of the alleged errors, the allegations are misplaced, as the UNAT made no such errors. First, the UNAT did not make a finding that the period of time between 31 May 2019 and 1 June 2020 is shorter than a year. Second, Ms. Raschdorf did not submit her initial filing to the ABCC into the record. She did submit a confirmation of receipt from the ABCC, dated 29 October 2020, which refers to her ABCC claim as having been received “yesterday”, i.e., 28 October 2020.

24. The Secretary-General submits that Ms. Raschdorf correctly asserts that paragraph 44 of the UNAT Judgment is incorrect as it refers to the “ABCC” instead of the “UNJSPF”. While the correction of this error would have no impact on the outcome of the case, the Secretary-General agrees with the replacement of the acronym “ABCC” with “UNJSPF” in paragraph 44. The Secretary-General requests that the UNAT dismiss the application for correction, except as regards paragraph 44.

*Application for Interpretation (Case No. 2023-1809)*

25. Ms. Raschdorf requests that the UNAT clarify what it means by “contract termination as a result of an exhaustion of sick leave” and its assessment that “there is no evidence that the non-renewal and separation from service was a result of a finding of misconduct that would lead to disciplinary measures”. In this context, she requests an “interpretation” of why she had been given a 72-hour “travel ultimatum” preceding her termination which she contends is usually only given in cases of abandonment of post, and why it did not specify an unlawful disciplinary measure against her and needed review by the MEU.

26. Ms. Raschdorf submits that, usually, in circumstances where a full disability is contested in one duty station, the possibility of a partial disability is assumed and steps in terms of staff protection are taken to accommodate the staff member in the duty station or other duty stations. In this regard, she seeks interpretation of what “an ability to work in some duty

stations and not in others” “means in applied and legal practice”. She also seeks an “interpretation” in relation to the question of whether a documented failure by the Organization to at least offer alternative employment arrangements in principle (like in her case) support a UNJSPF disability claim.

27. The Secretary-General submits that Ms. Raschdorf’s application does not leave reasonable doubt about the Appeals Tribunal’s will or the arguments leading to the Appeals Tribunal’s conclusion. Rather, she is attempting to misuse the process to reargue her case. Consequently, since her submissions fail to meet the criteria of Article 11(3) of the UNAT Statute, the Secretary-General asks that her application for interpretation of the UNAT Judgment be denied.

### **Ms. Raschdorf’s Motions and the Secretary-General’s Responses**

#### *Motion for Inclusion in Revision (In relation to Application for Revision)*

28. Ms. Raschdorf seeks to make further arguments regarding a variety of subjects “on the grounds of a recent discovery” following her correspondence with the United Nations Office of the Ombudsman, as a result of which it is now her understanding that there is an exception clause which allows an incapacitated staff member 12 months to file a request for management evaluation.

29. The Secretary-General submits that Ms. Raschdorf continues to submit motions to the Appeals Tribunal as if litigation is still ongoing. As a final judgment in this case was issued by the UNAT in May 2023, the UNAT should deny Ms. Raschdorf’s motion and instruct her to cease submitting motions and applications to supplement her pleadings.

#### *Motion for Additional Pleadings (in relation to Application for Correction)*

30. Ms. Raschdorf alleges that paragraph 48 of the published UNAT Judgment was changed (possibly at the request of the Secretary-General). Ms. Raschdorf became aware of this change on 24 November 2023 when she accessed the UNAT website. She submits that she understands that the UNAT Registry reserves the right to upload changes as it sees fit and assumes she has the right to respond to any such changes. She seeks to submit additional evidence and pleadings in regard to the alleged change in order to supplement her application for correction.

31. The Secretary-General submits that Ms. Raschdorf's substantive claim, the premise that the UNAT Judgment in her case was altered due to *ex parte* communications between the Secretary-General and the Appeals Tribunal is absurd. The Secretary-General did not request the Appeals Tribunal to alter the UNAT Judgment. Furthermore, the paragraph cited by the Applicant in her Motion for Additional Pleadings as "new information" is not new. This same paragraph appeared, verbatim, in the May 2023 version of the UNAT Judgment. The UNAT should, therefore, deny the Motion for Additional Pleadings in its entirety.

*Motion for "Correction of Omission" (in relation to Application for Correction)*

32. Ms. Raschdorf requests the Appeals Tribunal to change paragraphs 43 and 50 of the UNAT Judgment on grounds that the Appeals Tribunal quoted incompletely, and as a result, misinterpreted, the Pension Fund Rules in those two paragraphs. She submits that as a result, the UNAT erred in excluding the possibility of full-time incapacitation solely on the ground that she might potentially be able to work part time remotely.

33. The Secretary-General asks that the motion be dismissed. He requests the Appeals Tribunal to consider sanctioning the Applicant for abuse of process if she continues to ignore the *res judicata* nature of the UNAT Judgment and persists in filing additional applications rearguing her case.

**Considerations**

34. Ms. Raschdorf applies to the Appeals Tribunal for revision, correction, and interpretation of the UNAT Judgment, according to Article 11 of the UNAT Statute. We will address each application in turn.

*Application for Revision*

35. Article 11(1) of the UNAT Statute provides:

Subject to article 2 of the present statute, either party may apply to the Appeals Tribunal for a revision of a judgement on the basis of the discovery of a decisive fact which was, at the time the judgement was rendered, unknown to the Appeals 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.



36. In addition, Article 24 of the UNAT Rules of Procedure (Revision of Judgements) reads as follows:

Either party may apply to the Appeals Tribunal, on a prescribed form, for a revision of a judgement on the basis of the discovery of a decisive fact that was, at the time the judgement was rendered, unknown to the Appeals Tribunal and to the party applying for revision, always provided that such ignorance was not due to negligence. The application for revision will be sent to the other party, who has 30 days to submit comments to the Registrar on a prescribed form. The application for revision must be made within 30 calendar days of the discovery of the fact and within one year of the date of the judgement. The brief that accompanies the application for revision and the comments thereon shall not exceed five pages.

37. With these provisions in mind, the issue in this application is to determine whether Ms. Raschdorf identified a decisive fact which was, at the time the UNAT Judgment was rendered, unknown to her and the Appeals Tribunal provided that such ignorance was not due to negligence.

38. With respect of the revision of judgment of this Tribunal, we held in *Shanks* that “[t]here must be an end to the litigation and the stability of the judicial process requires that final judgments by an appellate court be set aside only on limited grounds and for the gravest of reasons”.<sup>5</sup> We also recall the legal principle in *Costa* that “the authority of a final judgment - *res judicata* - cannot be so readily set aside. There are only limited grounds as enumerated in Article 11 of the Statute of the Appeals Tribunal for review of a final Judgment.”<sup>6</sup>

39. Concerning the “limited grounds” to set aside a UNAT judgment, we said in *Russo-Got*:<sup>7</sup>

... Applications for revision of judgment are governed by Article 11 of the Statute and Article 24 of the Rules of Procedure of the Appeals Tribunal. By these provisions, an applicant must show or identify the decisive facts that at the time of the Appeals Tribunal Judgment were unknown to both the Appeals Tribunal and the party applying for revision; that such ignorance was not due to the negligence of the applicant; that the facts identified would have been decisive in reaching the decision ; and that the decisive facts existed at the time when the judgment was given and discovered subsequently. Facts which occur after a judgment has been given are not such facts within the meaning of Article 11 of the Statute and Article 24 of the Rules of Procedure of the Appeals

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<sup>5</sup> *Shanks v. United Nations Joint Staff Pension Board*, Judgment No. 2010-UNAT-026bis, para. 4.

<sup>6</sup> *Costa v. Secretary-General of the United Nations*, Judgment No. 2010-UNAT-063, para. 4.

<sup>7</sup> *Marius Mihail Russo-Got v. Secretary-General of the United Nations*, Judgment No. 2022-UNAT-1236, para. 17.

Tribunal, this remains the case irrespective of the legal consequences that such facts may have.

... The Appeals Tribunal has consistently held that “any application which, in fact, seeks a review of a final judgment rendered by the Appeals Tribunal can, irrespective of its title, only succeed if it fulfills the strict and exceptional criteria established by Article 11 of the Statute of the Appeals Tribunal”.

40. Based on our jurisprudence, facts that occur after the issuance of a UNAT judgment are not “new facts” for the purpose of Article 11(1) of the UNAT Statute. In this case, Ms. Raschdorf claimed new facts occurred after the issuance of the UNAT Judgment. So, these facts are not “new facts” for the purpose of Article 11(1) of the UNAT Statute. Further, the medical report dated 2 April 2019 was, obviously, not an unknown fact to the Appeals Tribunal and to Ms. Raschdorf at the time the UNAT Judgment was rendered.

41. Ms. Raschdorf submits that her reading of a 2020 UNAT judgment in 2023 also resulted in the discovery of a new fact. However, jurisprudence is a matter of law and does not constitute a fact for the purpose of Article 11(1) of the UNAT Statute. In *Eid*, we held that: “[T]he Order is correct that there was no new fact unknown at the time of the UNDT Judgment. That this Court issued jurisprudence after the Judgment by the UNDT is an issue of law, not of fact. No facts changed, only the law. Thus, there were no grounds for revision, and the UNDT Order is affirmed.”<sup>8</sup>

42. We can see that the claims of Ms. Raschdorf are mainly her legal opinions, not decisive facts. In this regard, we agree with the Secretary-General’s comments that Ms. Raschdorf merely attempts to relitigate her case. As we mentioned in *Giles*, “an 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 not satisfied 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.”<sup>9</sup>

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<sup>8</sup> *Eid v. Secretary-General of the United Nations*, Judgment No. 2011-UNAT-145, para. 18.

<sup>9</sup> *Howard Andrew Giles v. Secretary-General of the United Nations*, Judgment No. 2022-UNAT-1224, para. 25.

43. Ms. Raschdorf has not established a “decisive fact” as stipulated in Article 11(1) of the UNAT Statute. In light of the foregoing, her application for revision of the UNAT Judgment must be dismissed.

44. We notice that Mr. Raschdorf’s “Motion for Inclusion” is only an attempt to make further arguments on the time limits to request management evaluation which based on the above analysis, must also be denied.

*Application for Correction*

45. Article 11(2) of the UNAT Statute provides that “[c]lerical or arithmetical mistakes, or errors arising therein from any accidental slip or omission, may at any time be corrected by the Appeals Tribunal, either on its own motion or on the application of any of the parties”.

46. Similarly, Article 26 of the Rules of Procedure (Correction of Judgements) stipulates 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. The brief that accompanies the application for correction shall not exceed two pages.”

47. Therefore, the issues that arise in this respect are whether the alleged errors require correction of the UNAT Judgment, and whether the error at paragraph 44 of the UNAT Judgment requires correction even if it does not affect the substance of the case.

48. The UNAT’s error correction powers are limited to the sorts of errors exemplified in Article 11(2) of its Statute, *i.e.*, clerical or arithmetical mistakes, accidental slips or omissions. In *Zaqqout*, we said:<sup>10</sup>

... The second point to be made is that although the UNAT is able to and will acknowledge typographical and like errors, omissions, and slips in its judgments, doing so will not necessarily change the result in the case unless the error, as corrected, was so significant that the original outcome cannot stand. The UNAT’s error correction powers are limited to the sorts of errors exemplified in Article 11(2), clerical or arithmetical mistakes, or accidental slips. While this is not a closed category of the sorts of errors that may be corrected, the list exemplifies the relatively narrow range of inadvertent errors and guides the Tribunal in determining such applications.

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<sup>10</sup> *Ashraf Ismail abed allah Zaqqout v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. 2022-UNAT-1288, para. 36.

... It is no exaggeration to say that Mr. Zaqqout alleges that almost every page of the 2020 Judgment contains an error and in many cases, multiple errors. Although not impossible, it is inherently unlikely that this is so and tends to indicate that Mr. Zaqqout, rather than identifying the sorts of errors Article 11 specifies, has instead sought to bring a collateral challenge to the Appeals Tribunal's conclusions with which he disagrees. We have, nevertheless, examined each of those alleged errors identified by Mr. Zaqqout.

... Having considered all the numerous and detailed submissions made by Mr. Zaqqout alleging errors in the 2020 Judgment, we are not satisfied that any mistakes are in the nature of those intended to be covered by Article 11(2). His criticisms are not of slips or the like but are rather attempts to re-litigate his case by both asserting that the UNAT reached wrong conclusions and by attempting to persuade the Tribunal to different interpretations of the facts, but which are untenable or simply speculative. This analysis...means that this application...must be and is dismissed.

49. With this in mind, we note that in her request for correction of alleged "errors, omissions and mistakes", Ms. Raschdorf merely disagrees with the conclusion of this Tribunal. We have consistently held that the correction procedure is not an opportunity for a party to reargue their case or to merely repeat arguments that did not previously succeed. Hence, those are not, in nature, clerical or arithmetical mistakes which may justify the correction of the UNAT Judgment.

50. Concerning the errors pointed out by Ms. Raschdorf at paragraphs 7 and 9 of the UNAT Judgment, this Tribunal did not make a finding that the period from 31 May 2019 to June 2020 was less than a year. Further, at paragraph 13 of the UNAT Judgment, the UNAT did not indicate the wrong date for Ms. Raschdorf's first ABCC claim. Ms. Raschdorf did not submit her initial filing to the ABCC into the record. She submitted a confirmation of receipt from the ABCC, dated 29 October 2020, which refers to her ABCC claim as having been received "yesterday", i.e., 28 October 2020. In any event, we believe that any discrepancy in dates will not affect the outcome of the UNAT Judgment.

51. We agree with Ms. Raschdorf's argument that an error arose in paragraph 44 of the UNAT Judgment where we wrongly referred to the "ABCC" instead of the "UNJSPF". However, such an error is just a clerical one and has no impact on the outcome of the UNAT Judgment. Therefore, we will allow the replacement of the "ABCC" by "UNJSPF" in

paragraph 44, but dismiss Ms. Raschdorf's application for correction of the other parts of the UNAT Judgment.

52. With respect to the Motion for additional pleadings raised by Ms. Raschdorf in the process of her application for correction of the UNAT Judgment, we find that the grounds provided by Ms. Raschdorf for seeking additional pleadings are not tenable. Paragraph 48 of the UNAT Judgment was not changed. Further, all the allegations about this paragraph are merely a reiteration of Ms. Raschdorf's request for correction of the UNAT Judgment. It has been repeatedly held that under Article 31(1) of the UNAT Rules of Procedure, this Tribunal may accept additional pleadings based on the existence of exceptional circumstances. Ms. Raschdorf has failed to show any exceptional circumstances justifying the admission of additional pleadings. Ms. Raschdorf's motion for additional pleadings is accordingly dismissed.

53. As for Ms. Raschdorf's "Motion for Correction of Omission", we find that the grounds for this motion merely reflect her disagreement with the reasoning of the UNAT Judgment. For the reasons stated above, this too must be denied.

#### *Application for Interpretation*

54. Article 11(3) of the UNAT Statute provides that "[e]ither party may apply to the Appeals Tribunal for an interpretation of the meaning or scope of the judgement".

55. Furthermore, Article 25 of the UNAT Rules of the Procedure (Interpretation of judgements) provides as follows:

Either party may apply to the Appeals Tribunal for an interpretation of the meaning or scope of a judgement on a prescribed form. The application for interpretation shall be sent to the other party, who shall have 30 days to submit comments on the application on a prescribed form. The Appeals Tribunal will decide whether to admit the application for interpretation and, if it does so, shall issue its interpretation. The brief that accompanies the application for interpretation and the comments thereon shall not exceed two pages.

56. Ms. Raschdorf applies for an interpretation on the judgment on the basis that it is unclear to her and seeks that it should be clarified.

57. Following our jurisprudence, interpretation is only needed to clarify the meaning of a judgment when it leaves reasonable doubt about the will of the Tribunal or the arguments leading

to a decision. But if the judgment is comprehensible, whatever opinion the parties may have about it or its reasoning, an application for interpretation is not admissible. In *Applicant*, we said:<sup>11</sup>

... The Applicant is not requesting for an interpretation of the meaning or scope of the judgment but rather is seeking further explanation for its weighing of the evidence and its reasons. This is a veiled attempt to relitigate the issues which is outside the scope of Article 11. The Tribunal has issued a final decision and as such, except for the limited instances outlined in Article 11, the Appeals Tribunal is now *functus officio*.

... We find that the application is a disguised way to criticize the Impugned Judgment or to disagree with it, which is not the intent of Article 11. We have previously held that interpretation is only needed to clarify the meaning of a judgment when it leaves reasonable doubts about the will of the Tribunal or the arguments leading to a decision. But if the judgment is comprehensible, whatever the opinion the parties may have about it or its reasoning, an application for interpretation is not admissible. This is the case here.

58. In this case, Ms. Raschdorf seeks clarification *inter alia* on the following: “contract termination as a result of an exhaustion of sick leave”, “there is no evidence that the non-renewal and separation from service was a result of a finding of misconduct that would lead to disciplinary measures”, “an ability to work in some duty stations and not in others”. We find that the application for interpretation is aimed at challenging the lawfulness of the DHMOSH decision. However, since this Tribunal unambiguously found that the determination by DHMOSH that Ms. Raschdorf was not eligible for a disability benefit was procedurally sound, that the Administration had not caused any intentional delays in the payment to the Independent Medical Practitioner (IMP) and in the submission of the IMP report, and the procedure under ST/AI/2019/1 had been complied with, we believe the UNAT Judgment is clear and comprehensive as to how it reached the conclusion that the DHMOSH decision was legal, rational and procedurally correct.

59. Ms. Raschdorf merely expresses her disagreement with the UNAT Judgment and seeks to reargue her appeal. This is manifestly not the purpose of interpretation as set out in the Statute and Rules of Procedure of this Tribunal.

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<sup>11</sup> *Applicant v. Secretary-General of the United Nations*, Judgment No. 2021-UNAT-1129, paras. 14 and 15 (internal footnote omitted).

60. It follows that Ms. Raschdorf's application for interpretation of the UNAT Judgment must be dismissed.

61. The final judgment of this Tribunal has been delivered. In the event that Ms. Raschdorf files further frivolous submissions, she runs the risk that these may incur an award of costs against her in accordance with Article 9(2) of the UNAT Statute.

**Judgment**

62. Ms. Raschdorf's applications for revision and interpretation of Judgment No. 2023-UNAT-1343 are dismissed.

63. Ms. Raschdorf's application for correction of Judgment No. 2023-UNAT-1343 is granted partially, in so far as "ABCC" is to be replaced with "UNJSPF" at paragraph 44. The Registry is instructed to make the necessary correction and reissue the Judgment.

64. Ms. Raschdorf's three motions are dismissed.

Original and Authoritative Version: English

Decision dated this 22<sup>nd</sup> day of March 2024 in New York, United States.

*(Signed)*

Judge Gao, Presiding

*(Signed)*

Judge Savage

*(Signed)*

Judge Sandhu

Judgment published and entered into the Register on this 8<sup>th</sup> day of May 2024 in New York, United States.

*(Signed)*

Juliet E. Johnson, Registrar