

****FEDERAL COURT**

Regional Federal Court of the 1st Region

PROCESS: 1011155-68.2017.4.01.3800 REFERENCE PROCESS:

1011155-68.2017.4.01.3800

CLASS: CIVIL APPEAL (198)

ACTIVE PARTY: WILLY FONSECA TEMPEL

ACTIVE PARTY REPRESENTATIVE(S): JOAO RODOLPHO DE ARAUJO MATTOS
- SC33026-A

PASSIVE PARTY: NATIONAL INSTITUTE OF SOCIAL SECURITY

REPORTER: CESAR CINTRA JATAHY FONSECA

JUDICIARY

Regional Federal Court of the 1st Region

OFFICE 05 - FEDERAL JUDGE CÉSAR JATAHY

Electronic Judicial Process

STATEMENT OF CLARIFICATION

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R E L A T O R I O

THE MOST EXCELLENT MR. FEDERAL JUDGE CÉSAR JATAHY (REPORTER):

This is a statement of clarification filed by the plaintiff against a judgment that denied the appeal filed by her, maintaining the sentence of dismissal of the request for readjustment of her benefit based on the new ceilings established by Constitutional Amendments 20/98 and 41/2003.

The appellant argues that the judgment must be reformed because the limitation to the lowest ceiling value was not observed, prequestioning the matter.

No counter-arguments were presented.

This is the report.

No. 197386556 - Page 1 Signed electronically by: CESAR CINTRA JATAHY
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JUDICIARY

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V O T O

THE MOST EXCELLENT MR. FEDERAL JUDGE CÉSAR JATAHY (REPORTER):

I accept the embargoes, because they are timely.

In statements of clarification, it is required to demonstrate the existence of a material error, the omission of the embargoed judgment in the appreciation of the disputed matter, a contradiction between the grounds and the dispositive part of the judgment or the need for clarification to correct obscurity, and the mere allegation of prequestioning, by itself, does not make the filing of statements of clarification feasible (since it is essential to demonstrate the occurrence of the legal hypotheses provided for in art. 1,022 of the CPC/2015 for the appeal).

These embargoes do not deserve to be upheld.

In fact, the motivation explicitly stated in the embargoed judgment, with its conclusion, rejects, by its clarity, the claim presented by the appellant in her appeal grounds, as she has not demonstrated any vice in the judgment.

It is inadmissible, through statements of clarification, to re-discuss matters already decided with the aim of prevailing the thesis defended by the appellant.

In this case, dissatisfied with the judgment, the appellant filed the