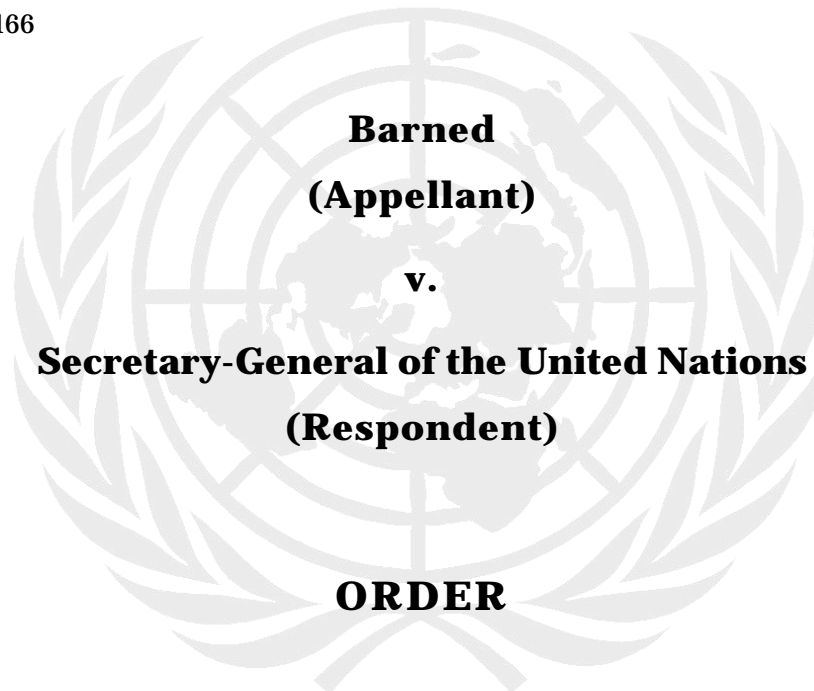




**UNITED NATIONS APPEALS TRIBUNAL
TRIBUNAL D'APPEL DES NATIONS UNIES**

Case No. 2010-166



**Barned
(Appellant)**

v.

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

ORDER

Before:	Judge Inés Weinberg de Roca, Duty Judge
Order No.:	28 (2010)
Date:	30 November 2010
Registrar:	Weicheng Lin

Counsel for Appellant: Self-represented

REQUEST FOR EXTENSION OF TIME TO FILE AN APPEAL

1. On 6 May 2010, the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) issued Judgment No. 2010/083 in respect of the application by Vivienne Barned (Barned). The judgment was issued in French. Barned was informed that the time limit for submitting an appeal would start to run upon her receipt of the English translation of that judgment.
2. According to Barned, she left Geneva with her husband for Malta on 1 October 2010 to attend to family matters and stayed there for more than one and a half months until 18 November, when she returned home to Geneva.
3. Also, according to Barned, under cover of an e-mail dated 4 October 2010, the UNDT Geneva Registry forwarded to her the English translation of Judgment No. 2010/083. Accordingly, the time limit for filing an appeal lapsed on 18 November 2010. But Barned claims that she did not receive the translation until 18 November, after her return to Geneva.
4. By e-mail dated 26 November 2010 to the Registry of the Appeals Tribunal, Barned requests that the time limit for submission of her appeal start to run on 18 November 2010 and that it be extended for two months to 18 January 2011 or beyond.
5. Under Article 7 (2) of the Rules of Procedure of the Appeals Tribunal, “[i]n exceptional cases, an appellant may submit a written request to the Appeals Tribunal seeking suspension, waiver or extension of the time limits... The written request shall succinctly set out the exceptional reasons that, in the view of the appellant, justify the request”.
6. I have considered Barned’s request, but am not persuaded by her reasons. An appellant has the duty to exercise due diligence if he or she intends to appeal a UNDT judgment. In this case, due diligence includes seeking information about the English translation, in any case before embarking on an extended leave. It appears that neither before leaving Geneva for Malta nor during her stay in Malta did Barned contact the UNDT Geneva Registry to find out when and how she could receive the English

translation. A simple phone call or e-mail to the UNDT registry would have sufficed. Given the lack of due diligence on the part of Barned, I am not inclined to waive the time limit and grant two months for filing an appeal from the alleged date she received the translation.

7. However, considering the situation in which Barned has found herself, I decide to exceptionally waive the time limit for filing an appeal and grant her five working days, until Tuesday, 7 December 2010, by which to file an appeal, if any.

ORDER

8. For the foregoing reasons, I grant Barned's request in part and order that she file her appeal, if any, by 7 December 2010. I also order Barned to attach a copy of this Order to her appeal, if any.

Dated this 30th day of November 2010 in Buenos Aires, Argentina.

Original and authoritative version: English

(Signed)

Judge Weinberg de Roca,
Duty Judge

Entered in the Register on this 30th day of November 2010 in New York, United States.

(Signed)

Weicheng Lin, Registrar