



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2012-327

Powell (Respondent/Applicant)

v.

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

ORDER No. 96 (2012)

1. On 28 March 2012, the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) issued Judgment No. UNDT/2012/039 in the case of *Powell v. Secretary-General of the United Nations*.
2. The Secretary-General filed an appeal of the UNDT Judgment on 23 May 2012. On 24 May 2012, the Registry of the United Nations Appeals Tribunal (Appeals Tribunal) transmitted a copy of the appeal to Mr. Powell and his counsel. They were informed that an answer, if any, should be filed within sixty days.
3. On 26 July 2012, Mr. Powell filed a request for a suspension, waiver or extension of time limit to file his answer. This request was submitted after it was due. That same day, Mr. Powell filed his answer to the Secretary-General's appeal, including a cross-appeal.
4. In support of Mr. Powell's request, his representative, Mr. Seth Levine, contends that the delay was due to his own miscalculation. He mistakenly believed that 27 July 2012 was the due date and informed Mr. Powell of this deadline. Mr. Levine submits that it would be contrary to the interests of justice to exclude Mr. Powell from the appeal proceedings based on an error caused by his own.
5. In light of these circumstances, Mr. Powell asks that this Court waive or extend the deadline for submission to 26 July 2012.

6. On 2 August 2012, the Registry transmitted Mr. Powell's motion for an extension or waiver to the Secretary-General.

7. On 3 August 2012, the Secretary-General confirmed that he had received Mr. Powell's answer on 27 July 2012 and that he had no comments regarding the merits of Mr. Powell's motion.

8. Pursuant Article 30 of the Rules of Procedure, "the President or the panel hearing a case may shorten or extend the time limit fixed by the rules of procedure or waive any rule when the interests of justice so require."

9. The Appeals Tribunal has consistently held that it strictly enforces the various time limits under its Statute and Rules.¹ Having carefully considered Mr. Powell's motion, I find no merit in his request. Oversight by counsel does not justify a waiver of statutory time limits.

10. For the foregoing reason, I reject Mr. Powell's motion.

Original and Authoritative Version: English

Dated 9th day of August 2012 in Montevideo,
Uruguay.

(Signed)
Judge Luis María Simón, President

Entered in the Register on this 10th day of August
2012 in New York, United States.

(Signed)
Weicheng Lin, Registrar

¹ *Mezoui v. Secretary-General of the United Nations*, Judgment No. 2010-UNAT-043, 1 July 2010.