



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2012-335

**O'Hanlon
(Appellant)**

v.

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

ORDER No. 117 (2012)

1. On 21 June 2012, Mr. O'Hanlon filed an appeal against Judgment No. UNDT/2012/031 rendered by the United Nations Dispute Tribunal in the case of *O'Hanlon v. Secretary-General of the United Nations*. On 6 September 2012, the Secretary-General filed an answer.
2. On 12 October 2012, Mr. O'Hanlon filed a "Motion for Application for leave to file response to Respondent's Answer of 6 September 2012" so as to address the "new issues of fact" and "the erroneous basis" in the Secretary-General's answer.
3. On 23 November 2012, the Secretary-General filed observations requesting that this Tribunal deny Mr. O'Hanlon's Motion. The Secretary-General stated that, contrary to Mr. O'Hanlon's assertions, in his answer he only referenced sources of law and provided responses to a number of issues raised by Mr. O'Hanlon in his appeal.
4. Articles 8 and 9 of the Rules of Procedure of the United Nations Appeals Tribunal (Rules and Appeals Tribunal, respectively) provide for an appellant to submit an appeal form, accompanied by a brief, and for a respondent to submit an answer form, accompanied by a brief.

5. Pursuant to Article 31(1) of the Rules and Section II.A.3 of Practice Direction No. 1 of the Appeals Tribunal, the Appeals Tribunal may allow a motion requesting leave to file additional pleadings after the filing of the answer if there are exceptional circumstances justifying the motion.

6. Having considered Mr. O'Hanlon's Motion in conjunction with the Respondent's answer, I have decided not to accept Mr. O'Hanlon's request. It appears to me that Mr. O'Hanlon wanted to have an opportunity to voice his disagreement with the Respondent's views on the known facts and applicable law in this case. The matters that Mr. O'Hanlon seeks to address in his Motion do not demonstrate any exceptional circumstances justifying the need to file additional pleadings.

7. For the foregoing reason, Mr. O'Hanlon's Motion is denied

Original and Authoritative Version: English

Dated this 6th day of December 2012 in Paris, France.

(Signed)
Judge Jean Courtial, Duty Judge

Entered in the Register on this 6th day
Of December 2012 in New York, United States.

(Signed)
Weicheng Lin, Registrar