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

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Cases No. 2013-479 and 2013-484

**Simmons**

**(Applicant)**

**v.**

**Secretary-General of the United Nations**

**(Respondent)**

**ORDER No. 135 (2013)**

1. On 13 March 2013 and 26 March 2013, the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) in New York rendered Judgments Nos. UNDT/2013/050 and UNDT/2013/059, respectively, in the case of *Simmons v. Secretary-General of the United Nations*. Under Article 7(1) of the Statute of the Appeals Tribunal (Statute), Ms. Simmons has 60 days to appeal. Accordingly, the time limit to appeal Judgment No. UNDT/2013/050 lapsed on 13 May 2013, and the time limit to appeal Judgment No. UNDT/2013/059 lapses today.

2. On 13 May 2013 and 15 May 2013, Ms. Simmons filed requests for 30-day extensions to appeal the respective Judgments. In support of her requests, Ms. Simmons submits that she is self-represented and that medical issues stemming from a car accident as well as family and work commitments have made it impossible for her to meet the deadlines.

3. Under Article 7(3) of the Statute, “[t]he Appeals Tribunal may decide in writing, upon written request by the applicant, to suspend or waive the deadlines for a limited period of time and only in exceptional cases”.

4. Having considered Ms. Simmons’ case, I do not believe that it constitutes an exceptional case warranting a lengthy waiver or extension of the time limits provided for in the Statute. From the day the UNDT Judgments were rendered, Ms. Simmons was aware that she would have to attend to her personal and work-related obligations and

would therefore face time constraints preparing her appeals. She has nevertheless chosen to represent herself. Furthermore, while the supporting documents that Ms. Simmons has provided indicate absences from work, they do not sufficiently support her contention that she was unable to adhere to the Appeals Tribunal's statutory time limit due to medical reasons.

5. For the foregoing reasons, I reject Ms. Simmons' requests for thirty-day extensions. Given that the time limit to appeal Judgment No. UNDT/2013/050 lapsed and that the time limit to appeal Judgment No. UNDT/2013/059 lapses today, and as a way forward, I exceptionally grant Ms. Simmons five additional working days to file her appeals. Her appeals, if any, are now due on 3 June 2013.

Original and Authoritative Version: English

Dated this 28<sup>th</sup> day of May 2013  
in Buenos Aires, Argentina.

*(Signed)*  
Judge Inés Weinberg de Roca,  
Duty Judge

Entered in the Register on this 28<sup>th</sup> day of May 2013  
in New York, United States.

*(Signed)*  
Weicheng Lin, Registrar