



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2015-871

**Kalashnik
(Applicant)**

v.

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

ORDER No. 242 (2015)

1. On 18 September 2015, the United Nations Dispute Tribunal (UNDT) issued Judgment No. UNDT/2015/087 in the case of *Kalashnik v. Secretary-General of the United Nations*, in which it dismissed Mr. Kalashnik's application as manifestly inadmissible in that it sought review of the recommendations of the Management Evaluation Unit and the Secretary-General's responses to Mr. Kalashnik's request for management evaluation, rather than an identified administrative decision. The UNDT further noted that any administrative decision that may be considered the subject of the application "concern precisely the same job openings [...] challenged under case number UNDT/NY/2015/031 filed by the Applicant on 26 May 2015".
2. On 13 October 2015, Mr. Kalashnik filed with the UNDT an "Application for Interpretation" of the Judgment, which, after several exchanges with the Registry of the UNDT, he perfected on 20 October 2015.
3. On 12 November 2015, Mr. Kalashnik filed with the United Nations Appeals Tribunal (Appeals Tribunal) a request for suspension, waiver or extension of time limit to appeal Judgment No. UNDT/2015/087. In paragraph 9 of his request, he states that seeking an interpretation of the UNDT Judgment "has taken up an unexpected amount of time" and "the absence of such has hindered [his] ability to mount a meaningful appeal based on a comprehensive understanding of the scope" of the Judgment. Finally, Mr. Kalashnik states that an extension of time, "depending on the quality of the interpretation," may make the appeal unnecessary.

4. Article 7(1)(c) of the Appeals Tribunal Statute (Statute) provides that an appeal must be “filed within 60 calendar days *of the receipt of the judgement of the Dispute Tribunal*” or, where the Appeals Tribunal has decided to waive or suspend that deadline in accordance with paragraph 3 of the present article, within the period specified by the Appeals Tribunal”.¹ Article 7(3) of the Statute provides that “[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”. Article 30 of the Appeals Tribunal Rules of Procedure allows this Tribunal to shorten or extend a time limit “when the interests of justice so require”.

5. Having considered the circumstances of Mr. Kalashnik’s case, there is no merit in his request. Apart from the pendency of an application for interpretation of the UNDT Judgment, which he voluntarily chose to file, Mr. Kalashnik advances no circumstances showing that his is an “exceptional case[]”. A pending request for interpretation of a Dispute Tribunal Judgment does not, as such, constitute an exceptional case within the meaning of Article 7(3) of the Statute.

6. Further, as the Appeals Tribunal cannot predict when the UNDT will dispose of Mr. Kalashnik’s application for interpretation, the request for an extension of time is an open-ended request, the granting of which would undermine the mandatory nature of the deadline set forth in Article 7(1)(c) of the Statute and would allow staff members to circumvent the deadline simply by filing a request for interpretation.

7. Finally, the Appeals Tribunal has determined that:²

The exercise of interpretation under Article 30 of the UNDT Rules of Procedure is not an avenue for review or the basis for a fresh judgment. Any dissatisfaction with the meaning of a judgment by the UNDT may be raised in an appeal against the substantive judgment.

8. For the foregoing reasons, Mr. Kalashnik’s request for suspension, waiver or an extension of time limit to appeal should be denied.

¹ Emphasis added.

² *Gehr v. Secretary-General of the United Nations*, Judgment No. 2013-UNAT-333, para. 13.

IT IS HEREBY ORDERED that Mr. Kalashnik's request for suspension, waiver or extension of time limit to appeal **IS DENIED**.

IT IS FURTHER ORDERED that, due to the short delay in addressing Mr. Kalashnik's request for an extension of time, he will be given until **Monday 30 November 2015**, to file an appeal, if any.

Original and Authoritative Version: English

Dated this 19th day of November 2015
in Los Angeles, California.

(Signed)
Judge Rosalyn Chapman,
President

Entered in the Register on this 19th day of
November 2015 in New York, United States.

(Signed)
Weicheng Lin, Registrar