



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case Nos. 2017-1105

Harris
(Appellant)

v.

Secretary-General of the United Nations
(Respondent)

Order No. 298 (2017)

1. On 4 August 2017, the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) in Nairobi issued UNDT Order No. 135 (Order) in the matter of *Harris v. Secretary-General of the United Nations*. The Dispute Tribunal denied Mr. Bryan G. Harris' application for suspension, pending management evaluation, of the Secretary-General's decision to separate him from service for abandonment of post. On 24 August 2017, Mr. Harris filed an appeal of the Order with the United Nations Appeals Tribunal (Appeals Tribunal) (Case No. 2017-1105) and, on 25 September 2017, the Secretary-General filed an answer to the appeal.

2. On 6 October 2017, Mr. Harris filed a "Motion for Additional Filing" in which he requests (i) leave to submit a response to the Secretary-General's answer and (ii) the production of additional "material evidence" of "lack of objectivity and good faith" on the part of his supervisor, amongst others.

3. On 16 October 2017, the Secretary-General filed comments on the motion, contending that it should be dismissed for lack of any exceptional circumstances. The Secretary-General also submits that the underlying appeal is moot, because Mr. Harris has received a response to his request for management evaluation.

4. Pursuant to Articles 2(5) and 8(1) of the Appeals Tribunal Statute (Statute) and Article 10(1) of its Rules of Procedure (Rules), the Appeals Tribunal may receive additional evidence or order the production of additional evidence in exceptional circumstances, if it is in the interest of justice and the efficient and expeditious resolution of the proceedings. The Appeals Tribunal also may allow a motion requesting leave to file additional pleadings after the filing of the answer to the appeal if there are exceptional circumstances.¹

5. Having considered Mr. Harris' submissions, I find that—insofar as they relate to the issues on appeal—they reiterate, and are supplementary to, the factual and legal contentions made before the UNDT and also in his appeal; further, he has failed to demonstrate any exceptional circumstances justifying their admission. I take the view that there is nothing “new” in the pleadings he requests leave to submit.

6. As it relates to the request that the Appeals Tribunal compel additional evidence, Mr. Harris has failed to explain why he did not make this request of the UNDT. He also has not explained why the production of this evidence at this stage is in the interest of justice or the efficient and expeditious resolution of the proceedings.

7. Without prejudice to a determination on the merits of the appeal, Mr. Harris' motion is denied. His additional pleadings will not be included as part of the case file.

IT IS HEREBY ORDERED that Mr. Harris' motion is **DENIED**.

Original and Authoritative Version: English

Dated 20th day of October 2017
in New York, United States.

(Signed)
Deborah Thomas-Felix
President

Entered in the Register on this 20th day of
October 2017 in New York, United States.

(Signed)
Weicheng Lin, Registrar

¹ Article 31(1) of the Rules and Section II.A.3 of Practice Direction No. 1 of the Appeals Tribunal. See *Chhikara v. Secretary-General of the United Nations*, Order 286 (2017), para. 7; *Siciliano v. Secretary General of the International Civil Aviation Association*, Judgment No. 2016-UNAT-702, para. 48; and, *Gakumba v. Secretary-General of the United Nations*, Judgment No. 2014-UNAT-194, para. 5.