



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2019-1265

Sera

(Appellant)

v.

Secretary-General of the United Nations

(Respondent)

ORDER No. 350 (2019)

1. On 7 March 2019, the United Nations Dispute Tribunal in New York rendered Judgment No. UNDT/2019/039 in the case of *Sera v. Secretary-General of the United Nations*, in which it dismissed Ms. Lindsay Marie Sera's challenge of the decision not to renew her temporary appointment with the United Nations Joint Staff Pension Fund. Under Article 7(1) of the Statute of the Appeals Tribunal (Statute), Ms. Sera had 60 days of receipt of the Judgment to file an appeal, i.e., by 6 May 2019.

2. On 22 May 2019, Ms. Sera filed, through her current counsel with the Office of Staff Legal Assistance (OSLA), a request for suspension, waiver or extension of the time limit to appeal. Ms. Sera states, *inter alia*, that she was not able to file an appeal before 6 May 2019 through no fault of her own. Ms. Sera's former counsel underwent medical treatment and could not respond to the Dispute Tribunal's notification of the Judgment. OSLA's administration also did not notify Ms. Sera of the Judgment. In addition, the e-mail notification from the Dispute Tribunal did not include Ms. Sera among the recipients. Furthermore, Ms. Sera submits that she exercised due diligence in that she contacted her former OSLA counsel several times to seek an update and learn when the Judgment would be rendered but received no information. Ms. Sera requests that she not be disadvantaged because of the administrative failures of OSLA and the internal justice system.

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”. Article 7(2) of the Appeals Tribunal Rules of Procedure sets forth the manner in which an appellant should submit a written request for a waiver of a time limit, and Article 30 of the Rules allows this Tribunal to shorten or extend a time limit “when the interests of justice so require”.

4. On the basis of Ms. Sera’s submissions regarding the circumstances preventing her from filing a timely appeal, this Tribunal finds that Ms. Sera has presented an exceptional case and the interests of justice will be served if her request is granted so as to give her an opportunity to present her case.

IT IS HEREBY ORDERED that Ms. Sera’s request is GRANTED, and the appeal form and appeal brief shall be filed **no later than 15 July 2019 by 5:00 p.m. New York time.**

Original and Authoritative Version: English

Dated this 25th day of June 2019
in New York, United States.

(Signed)
Judge Sabine Knierim,
Duty Judge

Entered in the Register on this 25th day
of June 2019 in New York, United States.

(Signed)
Weicheng Lin, Registrar