



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2019-1313

Ross

(Appellant)

v.

Secretary-General of the United Nations

(Respondent)

Order No. 355 (2019)

1. On 10 July 2019, the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) in Nairobi issued Judgment No. UNDT/2019/126 in the case of *Ross v. Secretary-General of the United Nations*. The full text of the Judgment was 36 pages long.
2. In that Judgment, the Dispute Tribunal disposed of three applications submitted by Mr. Felix Ross, namely, i) Case No. UNDT/NBI/2016/054 against the decision not to renew his fixed-term appointment and to separate him from service; ii) Case No. UNDT/NBI/2018/040 against the decision to insert adverse material into his official status file; and iii) Case No. UNDT/NBI/2018/083 against the decision to appoint another candidate to the position of Senior Protection Officer in Tunis.
3. The UNDT dismissed Case No. UNDT/NBI/2016/054 as it found that Mr. Ross had failed to substantiate his claims of flawed processes and improper motives that led to his separation from service. But with respect to Case No. UNDT/NBI/2018/040, the Dispute Tribunal found that the Administration had failed to follow proper procedure for the placement of adverse material in Mr. Ross' official status file and ordered the immediate removal/deletion of the notation contained in his official status file, though it refused Mr. Ross' petition for compensation. In Case No. UNDT/NBI/2018/083, the Dispute Tribunal determined that the decision to exclude Mr. Ross from the selection process at an early stage was tainted by procedural error and was thus unlawful, for which the UNDT awarded Mr. Ross USD 2,000 as moral harm.

4. On 10 September 2019, Mr. Ross submitted a motion for the increase of page limit of his appeal brief from 15 to 31. He explains that the impugned Judgment concerned three “very complex” cases, with each of them dealing with a separate matter. As the impugned Judgment contains an “extraordinary amount of factual, legal and procedural flaws”, Mr. Ross states that he needs 31 pages as “the bare minimum” for his appeal brief in order to fully state his arguments.

5. Article 8(2)(a) of the Rules of Procedure of the Appeals Tribunal limits the length of appellate briefs to 15 pages; Article 9(2)(a) sets out the same page limit for answers.

6. I have reviewed Mr. Ross’ submissions, but am not persuaded that the present case is so complicated and exceptional as to justify a departure from the norm. The limits set out in our Rules of Procedure serve the interests of justice and the present case is not of such complexity or magnitude as to justify a waiver. Specifically, the impugned Judgment involves three cases and was decided in favour of Mr. Ross in two of them. The one case, which was not decided in Mr. Ross’ favour, involved the non-renewal of his contract and was disposed of in a few pages. It is feasible to fully appeal the impugned Judgment within the statutorily prescribed 15 pages.

IT IS HEREBY ORDERED that Mr. Ross’ motion for an increase of page limit should be rejected.

Original and Authoritative Version: English

Dated this 10th day of October 2019
in Athens, Greece

(Signed)
Judge Dimitrios Raikos
President

Entered in the Register on this 11th day of
October 2019 in New York, United States.

(Signed)
Weicheng Lin
Registrar