



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2019-1335

**Robinson
(Applicant)**

v.

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

ORDER No. 358 (2019)

1. On 9 September 2019, the United Nations Dispute Tribunal in Nairobi rendered Judgment No. UNDT/2019/137 in the case of *Robinson v. Secretary-General of the United Nations*, in which the Dispute Tribunal partially granted Mr. Herbert Robinson's challenge of the decision not to renew his fixed-term appointment beyond 31 December 2015 with the Economic Commission for Africa and awarded him eight months' net base salary as compensation for financial damage. Under Article 7(1) of the Statute of the Appeals Tribunal (Statute), the parties had 60 days from receipt of the Judgment to file an appeal, i.e., by 8 November 2019. Mr. Robinson was represented before the UNDT by the Office of Staff Legal Assistance (OSLA). But 8 November 2019 came and went without any appeal filed by either party.

2. On 4 December 2019, the OSLA Counsel for Mr. Robinson filed a request for suspension, waiver or extension of the time limit to appeal. The Counsel states that exceptional reasons exist to justify the request as an extreme medical emergency leading to her hospitalization prevented her from timeously filing an appeal for Mr. Robinson. She attaches a handwritten note from her treating doctor showing that she was hospitalized from 5 November to 11 November and was on certified sick leave for 10 days thereafter through 21 November 2019. According to the Counsel, she was not able to deal with any case from 5 November 2019 through 25 November 2019. The Counsel requests that the 60-day time limit be waived in the interest of justice so that she could finalize and submit an appeal on behalf of her client. She does not indicate how much time she needs for this task, if her request is granted.

3. Article 7(1)(c) of the 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 ..., within the period specified by the Appeals Tribunal”. This Tribunal has repeatedly held that it “has been strictly enforcing, and will continue to strictly enforce, the various time limits”.¹

4. The case at hand, however, appears to call for an application of Article 7(3) of the Statute, which 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 our Rules of Procedure allows this Tribunal to shorten or extend a time limit “when the interests of justice so require”. Because enforcing deadlines may lead to harsh consequences, the Tribunals should carefully review any request for time limit waiver or extension, under the principles of exceptional circumstances and interests of justice.

5. Having reviewed the circumstances of the present case, I am prepared to consider that it falls within the interests of justice and protecting access to justice that Mr. Robinson should have an opportunity to advance his arguments through appeal. I have therefore decided to waive the time limit and to grant Mr. Robinson an extension of time of 20 days within which to file his appeal.

IT IS HEREBY ORDERED that Mr. Robinson’s request is GRANTED and the appeal form and appeal brief shall be filed no later than 2 January 2020.

Original and Authoritative Version: English

Dated this 12th day of December 2019
in Juiz de Fora, Brazil.

(Signed)
Judge Martha Halfeld,
Duty Judge

Entered in the Register on this 12th day
of December 2019 in New York, United States.

(Signed)
Weicheng Lin, Registrar

¹ *Clemente v. Secretary General of the International Civil Aviation Organization*, Judgment No. 2018-UNAT-857, para. 27.