



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2019-1326

Rixen
(Appellant)

v.

**Secretary-General of the
World Meteorological Organization**
(Respondent)

ORDER No. 367 (2020)

1. On 18 October 2019, Mr. Michel Rixen, a staff member of the World Meteorological Organization (WMO), filed an appeal with the United Nations Appeals Tribunal (Appeals Tribunal) against the decision by the Secretary-General of the WMO to accept the recommendation of the Joint Appeals Board of the WMO (JAB/WMO) to implement the reduced post adjustment multiplier for staff members of the WMO.

2. On 20 December 2019, the Secretary-General of the WMO filed a motion for extension of time line to file an answer and for reconsideration by the JAB/WMO, in which he requests that the Appeals Tribunal extend the time limit for his answer to 24 January 2020 or remand the case to the JAB/WMO for its reconsideration of the material issues of the case. He explains that he requests this remand in light of the oral pronouncement that the Appeals Tribunal made on 25 October 2019 in the case of *Rolli v. Secretary-General of the World Meteorological Organization*.¹

¹ *Rolli v. Secretary-General of the World Meteorological Organization*, Judgment No. 2019-UNAT-952, issued on 20 December 2019, in which the Appeals Tribunal remanded the case to the JAB/WMO for a reconsideration of the appeal on the merits. The Appeals Tribunal agreed with Mr. Rolli that the JAB/WMO had failed to make the necessary factual and legal findings in relation to the evidence he had produced before it, as contemplated in Article 2(10) of the Statute of the Appeals Tribunal read with Article 2 of the Agreement between the United Nations and the WMO, dated 18 July 2017. It should be noted that this 2017 agreement has been superseded by a new agreement that the WMO and the United Nations concluded on 20 January 2020.

3. In his response dated 15 January 2020, Mr. Rixen objects to the motion. In his view, the request for a remand is without object, as his case having moved through the first instance process of the WMO may not be sent back for a reconsideration by the same process.

4. Our Statute and Rules of Procedure empower the Judges to suspend or extend the deadlines for a limited period of time and only in exceptional cases, when the interests of justice so require.² In the present case, the Secretary-General of the WMO has requested an extension without giving any reasons or presenting any exceptional circumstances. Consequently, his request for a time limit extension should not be granted.

5. Under our Statute, the Appeals Tribunal may remand a case to the first instance process after, but not before, it has heard and passed judgment on the appeal.³ It is, thus, clear that the Appeals Tribunal has no power to remand the case at this stage of the proceedings. Further, under the 20 January 2020 agreement between the WMO and the United Nations, the JAB/WMO no longer has authority to consider the merits of the case.

IT IS HEREBY ORDERED that the motion for extension of time line to file an answer and for a remand to the JAB/WMO is REJECTED. If he wishes to do so, the Secretary-General of the WMO should submit his answer to the appeal within three days, i.e., by Saturday, 8 February 2020.

Original and Authoritative Version: English

Dated this 31st day of January 2020
in Hamburg, Germany.

(Signed)
Judge Sabine Knierim,
President

Entered in the Register on this 5th day
of February 2020 in New York, United States.

(Signed)
Weicheng Lin, Registrar

² See Article 7(3) of the Statute of the Appeals Tribunal and Article 30 of the Rules of Procedure of the Appeals Tribunal.

³ See Article 2 of the Statute of the Appeals Tribunal.