



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2020-1366

Kisia
(Appellant)

v.

Secretary-General
of the United Nations

(Respondent)

ORDER No. 378 (2020)

1. On 18 December 2019, the United Nations Dispute Tribunal (UNDT) issued Judgment No. UNDT/2019/182 in the case of *Kisia v. Secretary-General of the United Nations*. In that Judgment, the UNDT dismissed Mr. Kisia's application challenging the Secretary-General's decision to deny his claim for compensation for injuries pursuant to Appendix D to the Staff Rules which he alleged were sustained while in service to the Organization.
2. On 18 February 2020, Mr. Kisia filed an appeal against the UNDT's Judgment.
3. On 5 May 2020, the Secretary-General filed his answer to the appeal. The Secretary-General argues that Mr. Kisia's appeal is not receivable because it was filed one day beyond the deadline. The Secretary-General asserts that the Judgment was transmitted to Mr. Kisia on the same day that the UNDT issued it, which was on 18 December 2019, and in accordance with Article 7(1)(c) of the Appeals Tribunal's Statute, the deadline is 60 calendar days from the receipt of the Judgment. Using the calculation of deadlines as set forth in Article 29 of the Appeals Tribunal's Rules of Procedure, Mr. Kisia's deadline for filing his appeal was 16 February 2020. Since that was a Sunday, his deadline was the next working day, Monday, 17 February 2020. He asserts that Mr. Kisia, however, filed his appeal one day late on Tuesday, 18 February 2020.

4. The principles of natural justice and procedural fairness requires that Mr. Kisia be given an opportunity to address the Secretary-General's claim that his appeal is not receivable for having been filed out of time. Article 18*bis* (1) and (4) of our Rules of Procedure enable this order to be made.

5. This Tribunal further notes that when submissions are filed out of time, it may suspend, waive or extend a deadline in exceptional cases per written request of the party under Article 7(3) of our Statute and Article 7(2) of our Rules of Procedure. Pursuant to Article 30 of the Rules of Procedure, the President or the panel hearing a case may shorten or extend a time limit fixed by the Rules of Procedure or waive any rule when the interests of justice so require.

IT IS HEREBY ORDERED that Mr. Kisia may have the period of 30 days following receipt by him of this Order to file, with the Registrar of the Appeals Tribunal and to serve on the Respondent, his written response to the Secretary-General's argument that the appeal is not receivable.

IT IS FURTHER ORDERED that, should Mr. Kisia seek a waiver of the time limit per Article 30 of our Rules of Procedure such a request should be made in this same submission.

Original and Authoritative Version: English

Dated this 1st day of September 2020
in Vancouver, Canada.

(Signed)
Judge Kanwaldeep Sandhu,
Presiding

Entered in the Register on this 1st day
of September 2020 in New York, United States.

(Signed)
Weicheng Lin, Registrar