



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2021-1521

Fabio Bencivenga

(Appellant)

v.

**President of the
International Fund for Agricultural Development
(Respondent)**

ORDER No. 400 (2021)

1. On 8 August 2019, Mr. Fabio Bencivenga, a staff member of the International Fund for Agricultural Development (IFAD), filed a statement of appeal to the Joint Appeals Board (JAB). In his appeal, Mr. Bencivenga challenged the outcome of a Request for Reconsideration dated 8 July 2019, which confirmed an initial decision of the administration to reassign him to the position of Field Support Associate, grade G-6, in the Field Support Unit based in Rome.
2. On 20 November 2020, the JAB, following a review of the evidence and merits of the case, issued a decision that the appeal should be rejected reasoning that Mr. Bencivenga had failed to substantiate his allegations of impropriety on the part of the administration and that did not have a legally protected interest in his claim. Mr. Bencivenga had 90 calendar days within which to appeal the JAB decision, i.e., by 18 February 2021.
3. On 18 February 2021, Mr. Cédric Vareil, Mr. Bencivenga's representative, filed on Mr. Bencivenga's behalf a request for suspension, waiver or extension of the time limit to appeal. Mr. Vareil stated that he has been asking for months for the rules governing appeals of JAB decisions but was unable to obtain such information. Mr. Vareil submitted detailed accounts of him contacting the administration, the JAB and even the United Nations Appeals Tribunal (Appeals Tribunal) to find specific information regarding the appeals procedure and the time limits for filing an appeal of JAB decisions. Mr. Vareil did not receive a definite answer to his request for information until he

reached the Appeals Tribunal. This information was communicated to him on 18 February 2021.

4. Article 7(3) of the Statute of this Tribunal 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”.

5. On the basis of Mr. Bencivenga’s submissions regarding the circumstances that prevented him from filing a timely appeal, this Tribunal finds that the principles of exceptional circumstances and interests of justice justify granting Mr. Bencivenga’s request for an extension of time.

IT IS HEREBY ORDERED that Mr. Bencivenga’s request is **GRANTED**. He is to file his appeal no later than Wednesday, 19 May 2021.

Original and Authoritative Version: English

Dated this 20th day of February 2021
in Juiz de Fora, Brazil.

(Signed)
Judge Martha Halfeld,
President

Entered in the Register on this 22nd day
of February 2021 in New York, United States.

(Signed)
Weicheng Lin, Registrar