



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2020-1495

Maha Fayek-Rezk

(Appellant)

v.

Secretary-General of the United Nations

(Respondent)

ORDER No. 408 (2021)

1. On 12 November 2020, the United Nations Dispute Tribunal (UNDT) in New York issued Judgment No. UNDT/2020/191 in the case of *Fayek-Rezk v. Secretary-General of the United Nations*, dismissing Ms. Maha Fayek-Rezk's (Appellant) application as not receivable *ratione materiae*. The Appellant had challenged the Administration's refusal to reassign her to a post in the French Unit of the Social Media Section.
2. On 30 November 2020, the Appellant filed her appeal of the Judgment with the United Nations Appeals Tribunal (Appeals Tribunal). On 12 January 2021, counsel for Appellant, Mr. Joseph Grinblat, informed this Tribunal in an e-mail dated 12 January 2021 that Appellant died on 5 January 2021.
3. On 29 January 2021, the Secretary-General (Respondent) filed his answer, noting that Appellant had recently passed away and annexed a recent article published on the United Nations intranet, iSeek, entitled "In memoriam: Maha Fayek."¹
4. On 31 January 2021, Mr. Grinblat filed a Motion to Comment on the Respondent's Answer. On 12 February 2021, the Respondent filed his observations requesting the Appeals Tribunal to reject the motion and noting that neither the Administration nor this Tribunal has been informed that Mr. Grinblat represents the estate of the deceased staff member.

¹ Article published at iSeek.un.org on 11 January 2021 entitled "In memoriam: Maha Fayek."

5. As a result, on 26 March 2021, the Appeals Tribunal issued Order No. 406 (2021) staying the proceedings until counsel is appointed for the estate of Appellant.

6. On 28 March 2021, Mr. Grinblat filed an Application for Correction of Order No. 406 (2021) on account that he also serves as counsel for the estate of Appellant and asking this Tribunal to lift the stay, submitting therewith Letters of Administration from Somerset County Surrogate's Court granting the administration of the estate of Appellant to Mr. Sherif Gamal Fayek Rezk (the Estate Administrator).

7. In his application, Mr. Grinblat included a letter from the Estate Administrator, dated 27 March 2021, authorizing him to represent the estate of Appellant before the tribunals of the United Nations.

8. The Respondent filed his comments on 6 April 2021 and has no objection to the Appeals Tribunal lifting the stay in proceedings.

9. The Appeals Tribunal notes that under Article 2(2) of the Appeals Tribunal Statute (Statute): "An appeal may be filed by either party (i.e., the applicant, a person making claims in the name of an incapacitated or deceased applicant, or the respondent) to a judgement of the Dispute Tribunal."

10. This Tribunal being satisfied with the evidence provided by Mr. Grinblat that he has been duly authorized by the Estate Administrator, as of 27 March 2021, to represent the Appellant's estate before the United Nations tribunals hereby lifts the stay in the instant proceedings.

11. Although there is no correction to be made to Order No. 406 (2021), **IT IS HEREBY ORDERED** that the stay of proceedings in the instant matter is lifted.

Original and Authoritative Version: English

Dated this 9th day of April 2021
in Juiz de Fora, Brazil.

(Signed)
Judge Martha Halfeld,
President

Entered in the Register on this 9th day
of April 2021 in New York, United States.

(Signed)
Weicheng Lin, Registrar