



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2021-1602

Hermine Mireille Mbogol II

(Applicant)

v.

Secretary-General of the United Nations

(Respondent)

ORDER No. 423 (2021)

1. On 1 July 2021, the United Nations Dispute Tribunal (Dispute Tribunal or UNDT) in Nairobi rendered Judgment No. UNDT/2021/o80 in the case of *Mbogol v. Secretary-General of the United Nations*, in which it dismissed the application of Hermine Mireille Mbogol II (Ms. Mbogol).

2. Ms. Mbogol had challenged the decision of the Administration not to correct her September 2016 - March 2017 performance evaluation in accordance with instructions from the Chief of Human Resources, which she claimed resulted in the non-renewal of her fixed-term appointment (FTA). While the Dispute Tribunal found the primary challenge of Ms. Mbogol regarding her performance evaluation to be unreceivable, the tribunal went on to examine the merits of her application regarding the non-renewal of her FTA. The UNDT dismissed the application finding that Ms. Mbogol had failed to substantiate her claim that the Administration was responsible for not providing her with an alternative position.

3. On 27 August 2021, Ms. Mbogol contacted the United Nations Appeals Tribunal (Appeals Tribunal or UNAT) and filed a Request for Suspension, Waiver or Extension of Time Limit to Appeal. She states that she lost her biological parents due to Covid-19 and that she too had contracted the virus. She requests an additional 14 days to file her appeal.

4. Article 7(1)(c) of the Appeals Tribunal Statute (Statute) provides that an appeal must be filed within 60 calendar days of the receipt of the judgment of the Dispute Tribunal. Additionally, Article 7(3) of the Statute also 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”. In the same vein, Article 30 of the Appeals Tribunal Rules of Procedure (Rules) also allows this Tribunal to shorten or extend a time limit “when the interests of justice so require”.

5. On the basis of Ms. Mbogol’s submissions detailing the reasons that prevented her from filing a timely appeal, this Tribunal finds that her circumstances were indeed exceptional. While the documents on the record are sufficient evidence of the deaths in Ms. Mbogol’s family on 19 and 30 April 2021 in a foreign country, the medical certificate of 20 August 2021 further confirms that Ms. Mbogol herself was also infected with the Covid-19 virus. Therefore, in the interest of justice, Ms. Mbogol’s request for extension of time is granted.

IT IS HEREBY ORDERED that Ms. Mbogol’s request is **GRANTED**. The applicant is to file her appeal no later than Thursday, 30 September 2021.

Original and Authoritative Version: English

Dated this 16th day of September 2021
Juiz de Fora, Brazil.

(Signed)
Judge Martha Halfeld,
President

Entered in the Register on this 16th day
of September 2021 in New York, United States.

(Signed)
Weicheng Lin, Registrar