



Before: Judge Eleanor Donaldson-Honeywell

Registry: New York

Registrar: Nerea Suero Fontecha

PRADA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

SUMMARY JUDGMENT

ON RECEIVABILITY

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Alan Gutman, ALD/OHR, UN Secretariat

Introduction

1. On 5 February 2020, the Applicant, a retired staff member with the United Nations Secretariat, filed the present application to contest a decision concerning benefits and entitlements.
2. On the same day, the New York Registry of the Dispute Tribunal transmitted the application to the Respondent, requesting him to file a reply by 9 March 2020.
3. On 11 February 2020, the Respondent filed a motion for summary judgment stating that the application was not filed within the statutory deadline in accordance with art. 8.1(d)(i)(a) of the Dispute Tribunal's Statute and therefore not receivable as time-barred.
4. By Order No. 26 (NY/2020), the Applicant was directed to file a response to the Respondent's motion for summary judgment by 18 February 2020. The Applicant did not file a submission as directed.
5. For the reasons below, the Tribunal rejects the application as not receivable.

Considerations

6. Under art. 9 of the Dispute Tribunal's Rules of Procedure, "[a] party may move for summary judgment when there is no dispute as to the material facts of the case and a party is entitled to judgment as a matter of law". The Appeals Tribunal accepted the adjudication of the application by way of summary judgment to deal with issues of receivability (see *Chahrour* 2014-UNAT-406 and *Gehr* 2013-UNAT-313).

7. Article 8 of the Dispute Tribunal’s Statute sets forth the deadlines for filing applications as follows:

1. An application shall be receivable if:

...

(d) The application is filed within the following deadlines:

(i) In cases where a management evaluation of the contested decision is required:

a. Within 90 calendar days of the applicant’s receipt of the response by management to his or her submission; or

...

8. The Appeals Tribunal has repeatedly and consistently held that the time limits for filing applications should be strictly enforced and that the degree of lateness is irrelevant in deciding whether or not an application was filed timely. See, for example, *Ali* 2017-UNAT-773, para. 13:

... This Tribunal has repeatedly and consistently strictly enforced the time limits for filing applications and appeals. Strict adherence to filing deadlines assures one of the goals of the current system of administration of justice established in 2009: the timely hearing of cases and rendering of judgments. It is irrelevant whether a deadline is missed by several minutes, several hours or several days.

9. In this case, the Applicant received a response to his management evaluation request on 6 November 2019. Accordingly, the Applicant had 90 calendar days from 6 November 2019 to file an application.

10. In accordance with art. 34(a) of the Dispute Tribunal’s Rules of Procedure (calculation of time limits), the time limits “shall not include the day of the event from which the period runs”. Accordingly, the deadline for 90 calendar days fell on Tuesday, 4 February 2020 which was the date of signing inserted by the Applicant at the end of the application form. However, as submitted by the Respondent, the

Dispute Tribunal's Registry's emailed acknowledgement of receipt indicates that the Applicant filed the application on 5 February 2020. This means that he filed it outside the deadline.

11. Accordingly, the application is not receivable as it is time-barred.

Conclusion

12. The Tribunal rejects the present application as not receivable.

(Signed)

Judge Eleanor Donaldson-Honeywell

Dated this 20th day of February 2020

Entered in the Register on this 20th day of February 2020

(Signed)

Nerea Suero Fontecha, Registrar, New York