



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2025/034
Order No.: 59 (NBI/2025)
Date: 14 April 2025
Original: English

Before: Duty Judge
Registry: Nairobi
Registrar: Wanda L. Carter

RICHARDSON

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON THE APPLICANT'S
MOTION FOR AN EXTENSION OF
TIME TO FILE AN APPLICATION**

Counsel for Applicant:
Self-represented

Counsel for Respondent:
AAS/ALD/OHR

Introduction

1. The Applicant intends to contest a 9 December 2024 decision refusing her request for an Inter-Agency Secondment to the International Labour Organization (“ILO”) by the United Nations Office of the Special Coordinator for the Middle East Peace Process (“UNSCO”).

2. On 9 April 2025, the Applicant filed a motion for an extension of time to file an application until 21 May 2025 on the grounds that:

a. The Office of Staff Legal Assistance (“OSLA”) delayed for over two months in providing a response that they will not represent her in contesting the challenged decision.

b. She was left with three weeks to understand how to litigate her case, identify a suitable private lawyer, which she is yet to do, and allow enough time for this lawyer to become acquainted with her case, all before the deadline for submitting an application which runs out on 21 April 2025.

c. She is three months into a new job at the ILO and adjusting to her new responsibilities and work environment.

d. She had an extremely difficult year in Israel/Palestine and a highly distressing separation from UNSCO on 31 December 2024. Her medical condition is not yet fully resolved, despite improvements from having left the conflict zone. (The Applicant attached the latest medical report to the motion.)

e. She is simultaneously juggling taking care of her health and looking after her two young children.

Consideration

3. The Dispute Tribunal Statute authorizes the Tribunal “to suspend or waive the deadlines for a limited period of time and only in exceptional circumstances.” Id. art. 8.3. This provision is implemented in art. 7.5 of the Rules of Procedure

which provides that a request for suspension, waiver or extension “shall succinctly set out the exceptional circumstances that, in the view of the applicant, justify the request. The request shall not exceed two pages in length.”

4. Only circumstances beyond an applicant’s control that prevented the applicant from exercising the right of appeal in a timely manner may be considered ‘exceptional circumstances’ justifying a waiver of a time limit or deadline. *Shehadeh* 2016-UNAT-689, para. 19. See also, *El-Khatib* 2010-UNAT-029, para. 14; *Diagne et al.* 2010- UNAT-067, para. 1; *Bofill* 2014-UNAT-478, para. 19.

5. The Tribunal notes the grounds on which the motion is based and, particularly, the two-months’ delay by OSLA in telling the Applicant that they will not represent her contest of the challenged decision. Annexed to the motion are communications between the Applicant and OSLA supporting her claim that she promptly requested OSLA representation on 22 January 2025, the day she received the outcome of her management evaluation request. The annexes also show that OSLA did not advise her that they would not represent her until 28 March 2025, which is over two months later. The Tribunal considers this delay by OSLA to be unreasonable and beyond the Applicant’s control. That Office knows that an applicant has only 90 days to file with the Tribunal and taking two-thirds of that time to decide whether to take her case is entirely unreasonable.

6. The Tribunal determines that the Applicant has presented exceptional circumstances that justify the request for an extension of time to file her application.

Conclusion

7. In view of the foregoing, it is ORDERED THAT:

- a. The Applicant’s motion for an extension of time to file an application is granted.
- b. The Applicant shall file her application on or before the close of business on **Wednesday, 21 May 2025**.

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(Signed)

Judge Sean Wallace (Duty Judge)

Dated this 14th day of April 2025

Entered in the Register on this 14th day of April 2025

(Signed)

Wanda L. Carter, Registrar, Nairobi