



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2019/050  
Order No.: 147 (NY/2020)  
Date: 1 October 2020  
Original: English

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**Before:** Judge Alexander W. Hunter, Jr.

**Registry:** New York

**Registrar:** Nerea Suero Fontecha

ABDALLAH

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER**

**ON CASE MANAGEMENT**

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**Counsel for Applicant:**  
Self-represented

**Counsel for Respondent:**  
Nusrat Chagtai, ALD/OHR, UN Secretariat

## **Introduction**

1. On 12 July 2019, the Applicant, a Senior Programme Assistant at the G-7 level in New York, contests the decision to pay her a special post allowance (“SPA”) at the P-2 level, rather than the P-3 level, during her temporary assignment to the position of Human Resources Officer at the P-3 level.
2. On 13 August 2019, the Respondent filed his reply. In the reply, the Respondent submits that the application is not receivable *ratione temporis* as the application was filed one day late. The Respondent submits that the application was due on 11 July 2019, and yet it was filed on 12 July 2019.
3. In a submission dated 22 August 2019, the Applicant requested leave to provide a response on the receivability issue.
4. On 1 October 2020, the case was assigned to the undersigned Judge.

## **Consideration**

5. In the 22 August 2019 submission, the Applicant argues that the application was filed timely, or in the alternative, she requests that the Tribunal consider her exceptional circumstances and her incapacitation during these deadlines. She submitted a copy of sick leave certification from 27 February 2019 to 18 August 2019. However, the Tribunal notes that the Applicant does not explain what kind of exceptional circumstances prevented her from filing the application one day earlier on 11 July 2019.
6. When an applicant is self-represented, the Appeals Tribunal has recently taken a generous approach and given latitude in the interpretation of various requirements, at least in some circumstances (see, for instance, *Ghusoub* 2019-UNAT-905, para. 18; *Abdellaoui* 2019-UNAT-928, para. 18; *Al-Refaea* 2019-UNAT-971, para. 25; *Murad* 2020-UNAT-1025, para. 27).

7. In terms of the 90-day filing deadline, the Tribunal refers her to a recent judgment by the Appeals Tribunal, *Gelsei* 2020-UNAT-1035, which examined the question of whether exceptional circumstances exist for suspension or waiver thereof.

8. In light of the above,

IT IS ORDERED THAT:

9. By **4:00 p.m. on Monday, 12 October 2020**, the Applicant shall submit her response on the receivability issue, with supporting documentation, if any.

10. Thereafter, the Tribunal will decide the case based on the papers before it.

*(Signed)*

Judge Alexander W. Hunter, Jr.

Dated this 1<sup>st</sup> day of October 2020