



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2022/043  
Order No.: 080 (NY/2022)  
Date: 1 September 2022  
Original: English

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**Before:** Duty Judge  
**Registry:** New York  
**Registrar:** Pallavi Sekhri, Officer-in-Charge

SEALES

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON MOTION FOR  
EXTENSION OF TIME TO FILE AN  
APPLICATION**

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**Counsel for Applicant:**  
Self-represented

**Counsel for Respondent:**

## **Introduction**

1. On 31 August 2022, the Applicant filed a motion for extension of time to file an application before the Dispute Tribunal in respect of the imposition of disciplinary sanction.

## **Factual background**

2. By letter dated 6 June 2022, the Applicant was imposed the disciplinary sanction.

3. On 7 June 2022, the Applicant, requested assistance from the Office of Staff Legal Assistance (“OSLA”) in respect of the contested decision.

4. On the same day, OSLA responded to the Applicant stating that inter alia they will be in touch regarding potential OSLA representation before the UNDT.

5. On 14 June 2022, OSLA emailed the Applicant stating that they will confirm whether they can offer representation by 16 June 2022.

6. On 10 August 2022, the Applicant sent OSLA a follow up email stating that he had not yet heard back from OSLA.

7. On 10 August 2022, OSLA responded to the Applicant stating that they will follow up as soon as possible, and noting the early September deadline for filing.

8. The Applicant states that to date, there has been no further response from OSLA.

9. On 31 August 2022, the Applicant, filed a motion for extension of time to file an application, requesting the Tribunal to extend the deadline until 6 October 2022.

## **Consideration**

10. Article 8.3 of the Dispute Tribunal’s Statute provides that the Dispute 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”. Article 7.5 of the Dispute Tribunal’s Rules of Procedure reiterates that in exceptional cases an applicant may request a suspension, waiver or extension of the time limits for filing an application. Article 7.5 further states that any such request shall succinctly set out the exceptional circumstances that, in the view of the applicant, justify the request.

11. In *Gelsei* 2020-UNAT-1035, the Appeals Tribunal held that if an applicant requests a suspension, waiver or extension of the time limits, then an applicant bears the burden to prove “any circumstances beyond [her/his] control that would have the effect of preventing him from acting within the statutory time limits”. The Appeals Tribunal stated that the circumstances should meet “the test of untypicality or unusualness”.

12. In this case, the Applicant submits that once he was notified of the disciplinary sanction, he sought the support of OSLA the next working day. OSLA have failed to respond in a timely manner to him, despite assurances that they would. The Applicant states that the extension is needed to locate counsel in view of OSLA's lack of response.

13. The Tribunal finds that OSLA's lack of response is untypical of a professional legal office who have assured a potential client that they would provide a response, and are aware of the Applicant’s filing deadlines. The Tribunal considers these circumstances are beyond the Applicant’s control and could justify the extension of the deadline. Therefore, the Applicant’s request is granted.

IT IS ORDERED THAT:

14. The Applicant's motion for extension of time to file an application by 6 October 2022 is granted.

*(Signed)*

Judge Joelle Adda

Dated this 1<sup>st</sup> day of September 2022