



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2022-1712

Sergio Baltazar Arvizú Trevino

(Appellant)

v.

Secretary-General of the United Nations

(Respondent)

ORDER No. 469 (2022)

1. On 25 May 2022, the United Nations Dispute Tribunal (Dispute Tribunal or UNDT) in New York rendered Judgment No. UNDT/2022/051 in the case of *Arvizú Trevino v. Secretary-General of the United Nations*, in which the UNDT found that Mr. Arvizú Trevino's application was without merit, but awarded him USD 2,500 in non-pecuniary damages for an unduly and inordinately protracted process. An appeal is due on 24 July 2022.

2. On 18 July 2022, Mr. Arvizú Trevino filed a request for a suspension of the time limit to file his appeal. The reasons that he cites for his extension request are that he began feeling ill since 11 July 2022, tested positive for Covid on 16 July and is undergoing antiviral treatment, and that the illness and the Covid symptoms have diminished his capacity to properly prepare for and complete his appeal against the above-referenced UNDT Judgment, which involves review of a large body of documents and analysis of a number of factual and legal issues. He requests a 30-day extension to 24 August 2022 so that he will be in a better health condition to handle the matter.

3. 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. In the present case, this would mean the deadline is on or about 23 July 2022.

4. However, under Article 7(3) of the Statute, the Appeals Tribunal may decide in writing, upon written request by the applicant, and in exceptional cases, to suspend or waive the deadlines for a limited period of time. Article 30 of the Appeals Tribunal Rules of Procedure (Rules) also allows the President of the Appeals Tribunal to make such an order if it is required in the interests of justice.

5. In considering whether to grant the application, the Tribunal must determine if there are “exceptional” circumstances. Mr. Arvizú Trevino has tested positive for Covid but he provides no details as to the nature of his physical condition that “diminishes” his capacity to file a timely appeal. Nevertheless, we accept that his evidence of his positive test and his claim that he is on antiviral treatment which infers that he has symptoms that are problematic. On this basis, the Tribunal finds on the balance of probabilities that the circumstances are exceptional such that it is in the interest of justice that the request for extension of time is granted.

IT IS HEREBY ORDERED that Mr. Arvizú Trevino’s request is **GRANTED**. The applicant is to file his appeal no later than Wednesday, 24 August 2022.

Original and Authoritative Version: English

Decision dated this 19th day of July 2022
in Vancouver, Canada.

(Signed)
Judge Kanwaldeep Sandhu,
Duty Judge

Order published and entered in the Register
on this 20th day of July 2022 in New York,
United States.

(Signed)
Weicheng Lin,
Registrar