



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2012-307

Balogun (Appellant)

v.

Secretary-General of the United Nations

(Respondent)

ORDER No. 98 (2012)

1. On 15 February 2012, the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) issued Judgment No. UNDT/2012/026 in the case of *Balogun v. Secretary-General of the United Nations*. Mr. Murtala Jimoh Balogun filed an appeal to the United Nations Appeals Tribunal (Appeals Tribunal) on 15 March 2012. The Secretary-General filed an answer on 22 May 2012.
2. On 7 June 2012, Mr. Balogun filed a motion seeking leave to file additional pleadings (Motion). On 2 July 2012, the Secretary-General filed his observations on the Motion, requesting that this Court deny Mr. Balogun's request. On 15 July 2012, Mr. Balogun filed a second submission to respond to the Secretary-General's observation.
3. In support of his Motion, Mr. Balogun claims that there are factual errors and omissions in the Secretary-General's observations of 22 May 2012. Mr. Balogun further contends that the Dispute Tribunal erred in finding the existence of an administrative decision not to pay him a termination indemnity. Mr. Balogun requests that the Appeals Tribunal vacate the Dispute Tribunal's Judgment and remand the case for a determination on the merits. Mr. Balogun's second submission merely reiterates issues set out in his Motion.
4. The Secretary-General requests that the Appeals Tribunal deny the Motion.

5. Articles 8 and 9 of the Rules of Procedure of the United Nations Appeals Tribunal (Rules) provide for an appellant to submit an appeal form, accompanied by a brief, and for a respondent to submit an answer form, accompanied by a brief.

6. Pursuant to Article 31(1) of the Rules and Section II.A.3 of Practice Direction No. 1 of the Appeals Tribunal, the Appeals Tribunal may allow a motion requesting leave to file additional pleadings after the filing of the answer to the appeal if there are exceptional circumstances justifying the motion.

7. Having considered Mr. Balogun's submissions, I find that Mr. Balogun either repeats or supplements claims already made in his appeal; or voices his disagreement with the Respondent's views on the facts and law in this case. The matters that Mr. Balogun seeks to address in his Motion do not demonstrate any exceptional circumstances justifying the need to file additional pleadings.

8. For the foregoing reason, Mr. Balogun's Motion is denied and his additional pleadings will not be included as part of the case file.

Original and Authoritative Version: English

Dated 16th day of August 2012 in Montevideo,
Uruguay.

(Signed)
Judge Luis María Simón, President

Entered in the Register on this 17th day of August
2012 in New York, United States.

(Signed)
Weicheng Lin, Registrar