

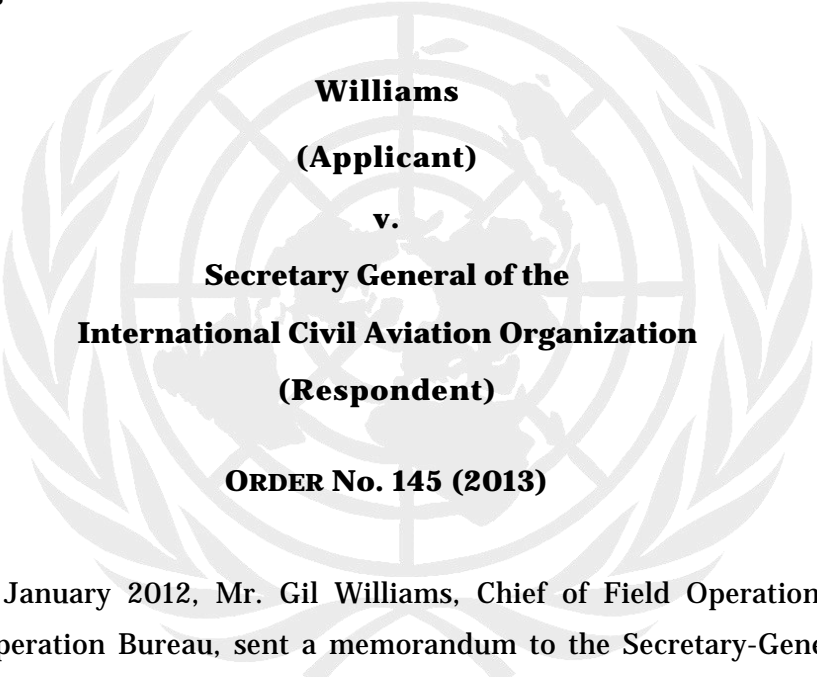


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# UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

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Case No. 2013-428



**Williams**  
**(Applicant)**  
**v.**  
**Secretary General of the**  
**International Civil Aviation Organization**  
**(Respondent)**

**ORDER No. 145 (2013)**

1. On 24 January 2012, Mr. Gil Williams, Chief of Field Operations Section, Technical Cooperation Bureau, sent a memorandum to the Secretary-General of the International Civil Aviation Organization (Secretary-General and ICAO, respectively), offering to resign “without prejudice” “[i]n light of the current disagreement in leadership style”.
2. On 26 January 2012, the Secretary-General acknowledged receipt of the memorandum and confirmed 31 March 2012 as the effective date of Mr. Williams’s resignation.
3. On 21 August 2012, Mr. Williams requested a waiver of time from the Advisory Joint Appeals Board (AJAB) to appeal certain decisions by the Secretary-General surrounding his resignation. The AJAB recommended the denial of Mr. Williams’s request, and on 2 October 2012, the Secretary-General accepted the AJAB’s recommendation and denied Mr. Williams’s request for a waiver.

4. On 2 January 2013, Mr. Williams appealed the Secretary-General's decision not to receive his case to the United Nations Appeals Tribunal (Appeals Tribunal), without submitting the required appeals brief. And on 9 January 2013, Mr. Williams requested an extension of time to file his appeals brief. By Order No. 121 (2013), the Appeals Tribunal granted Mr. Williams an extension of time until 13 February 2013, and Mr. Williams filed his appeal that day.

5. The Secretary-General filed his answer to the appeal on 5 July 2013.

6. On 22 January 2013, Mr. Williams asked the Secretary-General to reconsider his decision not to receive his case.

7. On 25 February 2013, Mr. Williams filed a motion before the Appeals Tribunal seeking to stay its review of his appeal pending the Secretary-General's review of his request for reconsideration (Motion for Stay).

8. On 2 May 2013, the Secretary-General filed a response to the Motion for Stay, and on 8 May 2013, Mr. Williams filed an additional submission.

9. The Secretary-General opposes the Motion for Stay, arguing that under ICAO Staff Regulation 11.2, the Secretary General's decision not to receive the untimely appeal to the AJAB is a final decision, which is not subject to reconsideration. Additionally, the Secretary-General argues that since the current appeal before the Appeals Tribunal is not receivable, the Motion for Stay is "devoid of purpose".

10. In his most recent filing of 11 May 2013, Mr. Williams states that he:

has no objection to the Tribunal denying his Motion to Stay and respectfully request[s] that UNAT, in their review of his pending appeal consider the Repondent[']s failure to address the exceptional circumstance matter more favorable to Mr. Williams[.]. (Emphasis omitted.)

11. Since the foregoing statement does not appear to be an unequivocal withdrawal of the Motion for Stay, the Appeals Tribunal will address the merits of the motion, which

is properly before the Appeals Tribunal under Article 18*bis* of its Rules of Procedure. Article 18*bis*(1) provides that the President:<sup>1</sup>

may, at any time, either on a motion of a party or on his or her own volition, issue any order which appears to be appropriate for the fair and expeditious management of the case and to do justice to the parties.

12. Mr. Williams has not shown that granting his Motion for Stay would “be appropriate for the fair and expeditious management of the case”. Initially, he has not, and cannot, cite any ICAO authority, whether regulation or rule, that authorizes a staff member to file a motion for reconsideration of the Secretary-General’s decision not to receive as untimely an appeal to the AJAB. And despite the passage of several months since he requested that the Secretary-General reconsider his decision not to accept the appeal, the Secretary General has not responded to Mr. Williams’s request. In light of the foregoing, a stay of the proceedings would be neither “fair ... [nor] expeditious management of the case”.

13. Accordingly, Mr. Williams’s Motion for Stay is denied.

Original and Authoritative Version: English

Dated 22<sup>nd</sup> day of July 2013 in  
Los Angeles, United States.

*(Signed)*  
Judge Rosalyn Chapman, Duty Judge

Entered in the Register on this 22<sup>nd</sup> day of July 2013  
in New York, United States.

*(Signed)*  
Weicheng Lin, Registrar

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<sup>1</sup> By Order dated 28 June 2013, the President of the Appeals Tribunal delegated to me her authority to decide on procedural matters arising in the course of regular work of this Tribunal for the month of July 2013.