



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2014-657

**O'Donnell
(Appellant)**

v.

**Secretary-General of the United Nations
(Respondent)**

ORDER No. 200 (2014)

1. On 16 June 2014, the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) issued Judgment No. UNDT/2014/063 in the case of *O'Donnell v. Secretary-General of the United Nations*.

2. On 15 September 2014, Mr. Hugh O'Donnell filed a request for suspension, waiver or extension of time limit to appeal the UNDT Judgment. In support of his request, Mr. O'Donnell explains that he received the UNDT Judgment as an attachment to an e-mail on 16 June 2014, but at that time he was travelling in Ireland and had no access to e-mail. According to Mr. O'Donnell, he returned to New York on 7 August 2014 and travelled immediately to Quebec, Canada, through the end of August. While he saw the e-mail during that time, he states that had no means of opening the attachment. He was able to open and view the UNDT Judgment only after he returned to Connecticut, though he did not specify the date of his return. Mr. O'Donnell requests an extension of the time limit for an unspecified period in order for him to file an appeal.

3. Article 7(1)(c) of the Statute of the Appeals Tribunal (Statute) provides that an appeal must be filed "within 60 calendar days of the receipt of the judgement of the Dispute Tribunal or, where the Appeals Tribunal has decided to waive or suspend that deadline in accordance with paragraph 3 of the present article, within the period specified by the Appeals Tribunal". Pursuant to Article 7(3) of the Statute, "[t]he Appeals 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”.

4. In the present case, Mr. O’Donnell filed a request for a waiver of the time limit to file an appeal on 15 September 2014, a month after the 60-day time limit had lapsed. By his own admission, Mr. O’Donnell was aware of the issuance of the UNDT Judgment at the time he returned to New York on 7 August. If he was unable to open the attachment, he could have contacted the UNDT Registry for information to access the UNDT Judgment through other means, such as the Internet. If he had wanted to file an appeal, but did not have time due to his travel plans, Mr. O’Donnell could have filed a request for an extension of time before the filing date had passed. The Appeals Tribunal is not persuaded by Mr. O’Donnell’s claims and, does not find this to be an “exceptional case” justifying a waiver of the filing time lines. In this regard, our decision is consistent with our jurisprudence in *Czaran v. Secretary-General of the United Nations*, Judgment No. 2013-UNAT-373.

5. In short, Mr. O’Donnell has not shown that his failure to timely file an appeal was due to exceptional circumstances beyond his control warranting a waiver of the time limits under the Statute.

IT IS HEREBY ORDERED that Mr. O’Donnell’s request for a waiver of the time limit to file an appeal IS DENIED.

Original and Authoritative Version: English

Dated this 15th day of October 2014 in New York,
United States.

(Signed)
Judge Rosalyn Chapman

Entered in the Register on this 15th day of
October 2014 in New York, United States.

(Signed)
Weicheng Lin, Registrar