



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2015-729

Simmons

(Appellant)

v.

Secretary-General of the United Nations

(Respondent)

ORDER No. 229 (2015)

1. On 13 May 2014, the Registry of the United Nations Appeals Tribunal (Appeals Tribunal) published Appeals Tribunal Judgment No. 2014-UNAT-427, which dismissed the appeal of Ms. Sheryl Simmons and affirmed Judgment No. UNDT/2013/059 of the United Nations Dispute Tribunal.

2. On 28 May 2015, Ms. Simmons filed an application for revision of the Appeals Tribunal Judgment.

3. On 9 June 2015, the Registrar of the Appeals Tribunal wrote Ms. Simmons, advising her that her application could not be filed because it was late, stating:

I regret to inform you that your application is not admissible under Article 11 of the Statute of the Appeals Tribunal, and that we will not be in a position to take action on your application.

Under Article 11 of the UNAT Statute, a party like you may apply for revision of an UNAT judgment on the basis of the discovery of a decisive fact. However, '[t]he application must be made within 30 calendar days of the discovery of the fact and within one year of the date of the date of the judgment.' ... You filed the revision application on 28 May 2015, about two weeks beyond the one-year absolute time limit. It is therefore not receivable.

4. The Registrar also advised Ms. Simmons that she had a right to appeal his decision to the President of the Appeals Tribunal, pursuant to Section F.20 of the Appeals Tribunal Practice Direction.

5. On 12 June 2015, Ms. Simmons: (a) appealed the Registrar's decision not to file her application; and (b) requested a waiver of the time limit under Article II of the Appeals Tribunal Statute.

6. Ms. Simmons claims that there were many factors that contributed to the lateness of her application, including "the lack of transparency and publication of staff rules regarding 'acquired rights', its definition and derivative" and the "[m]edical consequences [she] suffered due to overdue treatment required stemming from the injuries sustained in a car accident on July 29.2009." She further explains in detail these grounds, as well as her efforts to find necessary information to support her application, and also argues that they show good cause to grant her request for a waiver of time.

7. Having considered all the information provided by her, as well as the case file as a whole, I do not find that good cause exists to grant Ms. Simmons' request to waive the time limit for filing an application for revision. Initially, Ms. Simmons has appeared before the Appeals Tribunal in several matters and is familiar with our Statute. Moreover, the Appeals Tribunal Statute is published on the website of the Appeals Tribunal. Thus, the statutory deadline for filing an application for revision is well-known to Ms. Simmons. Although Ms. Simmons makes broad claims of medical consequences flowing from an accident six years ago, clearly the accident did not prevent her from filing an application two weeks late. Moreover, her explanations do not address the fatal delay of two weeks.

8. For all these reasons, I affirm the decision of the Registrar not to file the application for revision.

IT IS HEREBY ORDERED that Ms. Simmons' appeal against the 9 June 2015 decision of the Registrar not to file her application for revision **IS DENIED**.

Original and Authoritative Version: English

Dated this 1st day of July 2015 in
Geneva, Switzerland

(Signed)
Judge Rosalyn Chapman, President

Entered in the Register on this 1st day of
July 2015 in Geneva, Switzerland.

(Signed)
Weicheng Lin, Registrar