



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2015-857

Choi (Applicant)

v.

Secretary-General of the United Nations (Respondent)

ORDER No. 238 (2015)

1. On 6 July 2015, the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) issued Judgment No. UNDT/2015/064 in the case of *Choi v. Secretary-General of the United Nations*. In an e-mail of the same date, the Registry of the UNDT transmitted a copy of the Judgment to Mr. Dae Won Choi, a former staff member of the Economic and Social Commission for Asia and the Pacific (ESCAP), at his personal Gmail address and informed him that he had 60 days from the receipt of the Judgment to file his appeal.
2. According to Mr. Choi, the UNDT's e-mail did not reach him because he was in China where "Google and Gmail account are not normally accessible". Consequently, he did not see the UNDT's e-mail until 28 September 2015, more than two and a half months later, "when he visited home country, where he could open Gmail account in [a] normal way".
3. In an e-mail to the UNDT Registry dated 28 September 2015, Mr. Choi requested "a reasonably sufficient time" for him to appeal Judgment No. UNDT/2015/064. The UNDT Registry responded the following day, drawing Mr. Choi's attention to the need to request the extension of time limit from United Nations Appeals Tribunal (Appeals Tribunal).
4. On 3 October 2015, Mr. Choi filed a request for suspension, waiver or extension of time limit to appeal Judgment No. UNDT/2015/064 and asked the Appeals Tribunal to "grant reasonably sufficient time".
5. 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 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".

Article 7(3) of the Statute provides that “[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”.

6. Mr. Choi is a former staff member of ESCAP who claims he did not promptly receive Judgment No. UNDT/2015/064, which the UNDT Registry transmitted to his personal Gmail account, until 28 September 2015. In light of the fact that he is a former staff member who relies on his personal e-mail account, and without prejudice to the determination as to whether his appeal is receivable, Mr. Choi’s request for an extension of time to appeal is granted.

IT IS HEREBY ORDERED that Mr. Choi’s request for an extension of time to file an appeal of Judgment No. UNDT/2015/064 is **GRANTED**, and the appeal form and appeal brief shall be filed no later than twenty (20) calendar days from the date of this Order. No further requests to extend the time to appeal will be considered.

Original and Authoritative Version: English

Dated this 22nd day of October 2015 in New York,
United States.

Entered in the Register on this 22nd day of
October 2015 in New York, United States.

(Signed)
Judge Rosalyn Chapman,
President

(Signed)
Weicheng Lin, Registrar