



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2020-1427

Gusarova
(Applicant)

v.

Secretary-General of the United Nations
(Respondent)

ORDER No. 377 (2020)

1. On 4 May 2020, the United Nations Dispute Tribunal in Nairobi rendered Judgment No. UNDT/2020/062 in the case of *Gusarova v. Secretary-General of the United Nations*, in which the Dispute Tribunal upheld the decision of the United Nations Children's Fund (UNICEF) to dismiss Ms. Alexandra Gusarova's claim of abuse of authority and harassment. Under Article 7(1) of the Statute of the Appeals Tribunal (Statute), the parties had 60 days from receipt of the Judgment to file an appeal, i.e., by 3 July 2020.
2. On 31 July 2020, Ms. Gusarova filed an incomplete appeal. The Appeals Tribunal Registry wrote to Ms. Gusarova indicating she would need to file a motion to request a suspension, waiver or extension of time limit to file, as the deadline to file an appeal had passed.
3. On 18 August 2020, Ms. Gusarova filed a motion for suspension, waiver or extension to file her appeal. In her request, she sets forth various reasons for the delay in filing her appeal such as medical grounds, which she supports with doctors' notes. In addition, she indicated that as part of the Human Resources Office, the global coronavirus pandemic had increased her workload and she was overwhelmed having to work long hours including weekends. Lastly, she indicated that she was under the impression that the deadline for submission of the appeal with the Appeals Tribunal was 90 days after the issuance of the UNDT Judgment.

4. Article 7(1)(c) of the 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 ..., within the period specified by the Appeals Tribunal”.

5. 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”. Article 30 of our Rules of Procedure allows this Tribunal to shorten or extend a time limit “when the interests of justice so require”.

6. In the present case, there are no such exceptional circumstances. Ms. Gusarova has not shown that her health or her workload did not allow her to file an appeal until 31 July 2020. The reason why she missed the time limit clearly was her impression that the deadline for an appeal to the Appeals Tribunal was 90 days after the issuance of the UNDT judgment. Consequently, the interests of justice do not require us to grant Ms. Gusarova’s motion.

IT IS HEREBY ORDERED that Ms. Gusarova’s motion is **DENIED**.

Original and Authoritative Version: English

Dated this 28th day of August 2020
in Hamburg, Germany.

(Signed)
Judge Sabine Knierim,
President

Entered in the Register on this 28th day
of August 2020 in New York, United States.

(Signed)
Weicheng Lin, Registrar