



---

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

---

Case No. 2024-1894

**Philippe Schifferling**

**(Appellant)**

**v.**

**Secretary-General of the United Nations**

**(Respondent)**

**ORDER No. 551 (2024)**

1. On 26 October 2023, the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) issued Order No. 118 (NY/2023) in the case of *Schifferling v. Secretary-General of the United Nations*, in which it rejected Mr. Philippe Schifferling's motion to "join the Secretariat" to his case. Mr. Schifferling, a former staff member in the United Nations Office for Project Services (UNOPS), considered the Secretariat to be "a necessary party" to the proceeding. The Dispute Tribunal denied the motion for lack of merit.
2. On 24 November 2023, Mr. Schifferling filed an interlocutory appeal of Order No. 118 with the United Nations Appeals Tribunal (Appeals Tribunal or UNAT). This appeal was registered as Case No. 2023-1874 with the UNAT.
3. On 4 December 2023, the Dispute Tribunal issued a final judgment on Mr. Schifferling's Case No. UNDT/NY/2022/058 in Judgment No. UNDT/2023/34 (UNDT Judgment). The UNDT dismissed Mr. Schifferling's application contesting the Administration's decision to charge him with misconduct as not receivable *ratione materiae*. The deadline for filing an appeal of the UNDT Judgment with the Appeals Tribunal is 2 February 2024.
4. On 29 January 2024, Mr. Schifferling filed a motion requesting suspension, waiver or extension of time limit to file his appeal of the UNDT Judgment. This motion was registered as Case No. 2023-1894 with the UNAT.

5. In support of his motion, Mr. Schifferling asserts that the Appeals Tribunal’s forthcoming decision on his interlocutory appeal will impact how he prepares his appeal of the UNDT Judgment. He argues that if his interlocutory appeal is granted by the Appeals Tribunal, “the UNAT would probably remand the case to the UNDT for retrial [and] an appeal of the [UNDT Judgment] will become moot.” However, if the interlocutory appeal is dismissed, the reasons for rejection will “allow him for an additional ground for appeal.”

6. Moreover, Mr. Schifferling submits that a witness hearing before the Dispute Tribunal in another case (Case No. UNDT/NY/2022/057) scheduled for 5 and 9 February 2024 may offer new grounds for his appeal. Mr. Schifferling thus requests an extension of the deadline to submit his appeal against the UNDT Judgment until after the Appeals Tribunal decides his interlocutory appeal of Order No. 118.

7. 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 judgment of the Dispute Tribunal. However, under Article 7(3) of the Statute, the Appeals Tribunal may decide in writing, upon written request by the applicant, and in exceptional cases, to suspend or waive the deadlines for a limited period of time. In the same vein, Article 30 of the Appeals Tribunal Rules of Procedure (Rules) also allows this Tribunal to shorten or extend a time limit when the interests of justice so require.

8. For the following reasons, Mr. Schifferling’s request for additional time to file an appeal of the UNDT Judgment is denied.

9. First, the Appeals Tribunal “has been strictly enforcing, and will continue to strictly enforce, the various time limits” in the Statute.<sup>1</sup> Mr. Schifferling’s request for an extension of time is an open-ended request, the granting of which would undermine the mandatory deadline set forth in Article 7(1)(c) of the Statute because staff members could circumvent the deadline simply by appealing against a case management order, and then requesting tolling of the time to file an appeal on the merits judgment until the interlocutory appeal was decided. This would severely undermine the time limits established in the Statute. As we established in *Wamalala*, “cases (...) would seldom proceed if either party were able to

---

<sup>1</sup> *Applicant v. Secretary-General of the United Nations*, Order No. 175 (2014), para. 2.

appeal to the Appeals Tribunal when dissatisfied with interlocutory decisions made during the course of the proceedings.”<sup>2</sup>

10. Second, pursuant to Article 11(3) of the Statute of the Dispute Tribunal (UNDT Statute), case management orders such as Order No. 118, are executable immediately. Accordingly, such orders have no suspensive effect, and cannot serve as a basis to suspend the filing of an appeal of a final judgment. As we have held in other instances when the Dispute Tribunal has issued a judgment when an interlocutory appeal was pending before the UNAT,<sup>3</sup> this situation does not prevent the Appeals Tribunal from considering the issues presented by both appeals. Mr. Schifferling should promptly appeal the UNDT Judgment such that all of his concerns may be addressed efficiently.

11. Third, there is no legal basis to suspend the time limits for filing an appeal of the UNDT Judgment because of planned hearings in a different case. This does not constitute an exceptional circumstance within the meaning of Article 7(3) of the Statute.

12. Therefore, I find that the reasons presented by Mr. Schifferling for an extension of time do not qualify as exceptional circumstances according to Article 7(3) of the Statute, nor do they necessitate an extension in the interest of justice under Article 30 of the Rules.

13. However, given that Mr. Schifferling had not reached the deadline when he submitted his request, and the time limit to appeal was nearing expiration when his motion was pending, I exceptionally grant him three days from the date of the issuance of this Order to file his appeal.

**IT IS HEREBY ORDERED** that Mr. Schifferling’s request is **DENIED** and he must **file his complete appeal, if any, no later than 5 February 2024.**

---

<sup>2</sup> *Wamalala v. Secretary-General of the United Nations*, Judgment No. 2013-UNAT-300, para. 16.

<sup>3</sup> *Yassir Haroun v. Secretary-General of the United Nations*, Order No. 521 (2023), para. 14.

Original and Authoritative Version: English

Decision dated this 2<sup>nd</sup> day of February 2024 in  
Beijing, China.

*(Signed)*  
Judge Gao Xiaoli,  
President

Order published and entered in the Register on this  
2<sup>nd</sup> day February 2024 in New York, United States.

*(Signed)*  
Juliet E. Johnson,  
Registrar