



Before: Judge Nkemdilim Izuako

Registry: Nairobi

Registrar: Jean-Pelé Fomété

FRECHON

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON THE RESPONDENT'S
REQUEST FOR EXTENSION OF TIME
LIMIT**

Counsel for Applicant:

Tony Bautista
Hugh McCairley

Counsel for Respondent:

Emily Langston, ALS/OHRM, UN Secretariat

1. Introduction

1.1 On 7 May 2010, the Tribunal published Judgment No. UNDT/2010/089 in the following terms:

(i) The Applicant's case was remanded to the Administration for concurrence on the institution of the correct procedure required under ST/AI/1999/16;

(ii) The Respondent was ordered to inform the Tribunal of the progress made towards such concurrence, by or before 24 May 2010;

(iii) If the Administration concurs, the correct procedure is to be instituted within three months of the publication of the judgment, that is, by or before 10 August 2010, and the Administration shall notify the Tribunal of the outcome by that date;

(iv) Following the notification to the Tribunal of the outcome at paragraph (iii) above, or if the Administration does not concur on the institution of the correct procedure required under ST/AI/1999/16 as required under paragraph (ii) above, the Tribunal shall publish a separate judgment on the merits of the case; and

(v) The Administration was ordered to pay the Applicant compensation equivalent to three months' net base salary for the delay in complying with the procedures required under ST/AI/1999/16.

1.2 On 26 April 2010, the United Nations Appeals Tribunal ("Appeals Tribunal") issued its judgment on the Applicant's appeal against a decision taken by the Standing Committee of the United Nations Joint Staff Pension Fund ("Standing Committee of the UNJSPF") under ST/AI/1999/16, relating to the same injury as is the subject of the present proceedings. Therein, the Appeals Tribunal annulled the decision of the Standing Committee of the UNJSPF, dated 15 July 2009, rejecting the Applicant's request for a disability benefit and remanded the matter to the Standing Committee of the UNJSPF for reconsideration.

1.3 By an Application dated 13 May 2010, the Respondent requested for clarification of Judgment No. UNDT/2010/089 on the effect, if any, of the Appeals Judgment vis-à-vis the Judgment of this Tribunal remanding this case for institution of the correct procedure under ST/AI/1999/16, and, in particular, with respect to the requirement that the Respondent inform the Tribunal on or before 24 May 2010 of the progress it has made towards such concurrence.

1.4 By Order dated 17 May 2010, the Tribunal informed the Parties that it did not find any ambiguity between the above-mentioned Appeals Tribunal Judgment and Judgment No. UNDT/2010/089. Accordingly, pursuant to Article 30 of the UNDT Rules of Procedure, the Tribunal rejected the Respondent's Application for Interpretation.

1.5 By this Motion, the Respondent requests for an extension of time to prepare a submission to the Tribunal on the Administration's position concerning the institution of the correct procedure under ST/AI/1999/16 for the following reasons:

(i) The preparation of the submission requires coordination and consultation with various offices within the Secretariat, as well as an analysis and assessment of the Judgments rendered by this Tribunal and the Appeals Tribunal.

(ii) The Respondent submits that it is unlikely that all necessary enquiries will be completed by 24 May 2010.

(iii) The Respondent submits that it is in the interests of justice that he be granted an extension of time and requests, pursuant to Article 19 of the Rules, an extension of time of two (2) weeks, until Thursday, 3 June 2010, to comply with paragraph 10.1(ii) of the Judgment in this case.

2. *Considerations*

2.1 Having considered the Respondent's submissions and in accordance with Article 19 of the UNDT Rules of Procedure, the Tribunal,

GRANTS the Respondent's request for an extension of time and,

ORDERS

The Respondent shall inform the Tribunal of the progress made towards the institution of the correct procedure required under ST/AI/1999/16, by or before 3 June 2010.

(Signed)

Judge Nkemdilim Izuako

Dated this 27th day of May 2010

Entered in the Register on this 27th day of May 2010

(Signed)

Jean-Pelé Fomété, Registrar, UNDT, Nairobi