



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2025/010  
Order No.: 11 (NBI/2025)  
Date: 5 February 2025  
Original: English

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**Before:** Duty Judge  
**Registry:** Nairobi  
**Registrar:** Wanda L. Carter

CLINE

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER  
ON APPLICANT'S MOTION FOR  
EXTENSION OF TIME TO FILE  
APPLICATION**

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**Counsel for Applicant:**  
*Self-represented*

**Counsel for Respondent:**  
ECA-Legal Office

## **Introduction**

1. On 5 February 2025, the Applicant, a staff member of the Economic Commission for Africa (“ECA”), sent an email to the “UNDT Nairobi” mailbox, requesting an extension of time to file an application challenging the decision to remove her functions as ascribed in her job description and her reassignment to the Division of Administration. The Applicant later filed the information in the Court Case Management System (CCMS) e-filing portal before close of business the same day.

2. Pursuant to documentation provided by the Applicant in an attachment to her email request, according to the response to the Applicant’s management evaluation request, the deadline for filing her application falls on today, Wednesday, 5 February 2025. The Applicant requests an extension until Monday, 10 February 2025 to file her application.

## **Consideration**

3. Art. 8.3 of the Dispute Tribunal’s Statute stipulates that the 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.

4. Art. 7.5 of the Dispute Tribunal’s Rules of Procedure also provides that, in exceptional cases, an applicant may submit a written request to the Tribunal seeking suspension, waiver or extension of the time limits for filing an application. Art. 7.5 further states that any such request shall succinctly set out the exceptional circumstances that, in the view of the applicant, justify the request.

5. Art. 19.1 of the UNDT Rules of Procedure provides that the Tribunal may at any time, either on an application of a party or on its own initiative, issue any order or give any direction which appears to a judge to be appropriate for the fair and expeditious disposal of the case and to do justice to the parties.

6. If an Applicant requests a suspension, waiver or extension of the time limits, the Applicant bears the burden of establishing “that the circumstances responsible

for the delay were ‘exceptional’. There are two key features of this test that we elaborate on. First, “exceptional” means other than, or out of, the ordinary, or unusual. The circumstances are “the exception rather than the rule” as it is sometimes expressed.” *Kamran Ali Khan*, 2024-UNAT-1501, para 61.

7. Further, as noted by the Appeals Tribunal in *Gelsei*,

We consider that the interests of justice are the paramount factor in the exercise of this discretion and that involves a balancing of the rights and interests of the parties. Considerations of whether either will be prejudiced by the grant or refusal of an order, and if so the extent and effect of such prejudice, will be a relevant consideration. So too is the length of any delay relevant, and where the responsibility for the delay lies. *Gelsei*, 2020-UNAT-1035, para 24.

8. In the present case, the Applicant requests an extension of time on the following grounds:

- a. [Her] personal laptop with all of the evidence to attach as annexes was dropped and the screen broke yesterday and doesn’t work;
- b. [She is] receiving assistance to get the data off so [she] can finish, format, attach annexes on my office laptop. [She] was told that [she] would receive the data on a USB Friday afternoon; and
- c. [She] sent a rough draft of the application that is not yet on the form where [she] was trying to recreate as well as the decision, addendum decision, MAES, Receipt of MAES email.

9. It is further noted that the Applicant is self-represented.

10. The Tribunal finds that the Applicant has provided sufficient information to justify the granting of an extension of the deadline to file her application. A broken computer, while seemingly commonplace, has the effect of preventing even the most essential access. The Tribunal considers that it is in the interest of justice to permit the brief extension to allow the Applicant to have her case heard on the merits, and that the Respondent will not be prejudiced by such extension of the deadline.

## **Conclusion**

11. In view of the foregoing, it is ORDERED THAT:

- a. The Applicant's motion for extension of time to file an application is granted; and
- b. The Applicant shall file her application contesting the decision to discontinue the position she encumbers by 5 p.m. (Nairobi time) on **Monday, 10 February 2025**.

*(Signed)*

Judge Sean Wallace (Duty Judge)

Dated this 5<sup>th</sup> day of February 2025

Entered in the Register on this 5<sup>th</sup> day of February 2025

*(Signed)*

Wanda L. Carter, Registrar, Nairobi