



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

ABDOU

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

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

Counsel for Applicant:

Jason Biafore, OSLA

Counsel for Respondent:

AS/ALD/OHR, UN Secretariat

Introduction

1. On 14 February 2025, the Applicant filed a motion for extension of time to file an application. According to the motion, the Applicant seeks to contest his alleged “SEPARATION from service following the Administration’s failure to exercise its good faith obligation to retain the Applicant, and failure to provide the Applicant’s applications for available and suitable job vacancies full and fair consideration resulting in his nonselection.”

2. The Applicant recounts that he filed a request for management evaluation and has not yet received a response so that the deadline for filing his application is today, 17 February 2025. He requests a 30-day extension of that deadline.

Considerations

3. The Dispute Tribunal Statute authorizes the Tribunal “to suspend or waive the deadlines for a limited period of time and only in exceptional circumstances.” *Id.* art. 8.3. This provision is implemented in art. 7.5 of the Rules of Procedure which provides that a request for suspension, waiver or extension “shall succinctly set out the exceptional circumstances that, in the view of the applicant, justify the request. The request shall not exceed two pages in length.”

4. The Appeals Tribunal has repeatedly held that “only circumstances ‘beyond his or her control that prevented the applicant from exercising the right of appeal in a timely manner’ may be considered ‘exceptional circumstances’ justifying a waiver of a time limit or deadline.” *Shehadeh* 2016-UNAT-689, para. 19. See also, *El-Khatib* 2010-UNAT-029, para. 14; *Diagne et al.* 2010- UNAT-067, para. 1; *Bofill* 2014-UNAT-478, para. 19.

5. The Tribunal notes that the Applicant’s motion exceeds the page limits of this rule and, more importantly, contains no clear or succinct statement of the exceptional circumstances in this case. Indeed, the words “exceptional circumstances” appear nowhere in the motion.

6. Instead, the motion makes conclusory statements that he “would be irreparably harmed and prejudiced should the instant Motion not be granted.” Yet

try as it might, the Tribunal has been unable to glean any exceptional circumstance that prevents the Applicant from filing his application timely. Nor does the Tribunal comprehend how filing timely would cause him irreparable harm or prejudice.

7. According to the motion and annexes, the Applicant was a Close Protection Officer at the FS4/Step VII level at the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) and separated on 15 November 2024. The Tribunal notes that the MINUSMA mandate was ended by Security Council resolution on 30 June 2023, and it seems that the Applicant was kept on for a year and one-half as part of the United Nations Liquidation Entity (UNLEM).

8. The Applicant further alleges that the termination of his contract with MINUSMA-UNLEM granted him priority consideration for any available positions during a “flagging period” from 31 July to 3 September 2024.

9. He alleges that he applied for a Fixed-Term Security Officer position at the Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) (JO#240683) “for which I was eligible and had priority.” After the flagging period expired, MINUSCA advertised a Temporary position (JO#243188) “which had the same functions, requirements, and duty station” as JO#240683. The Applicant alleged in his request for management evaluation that “this process may have been manipulated to deny me the opportunity to be selected for the original fixed-term position which I was flagged for.”

10. However, the Applicant apparently applied for a third position as a Security Officer (FS4/Step VII) at MINUSCA, JO#249306. He was selected for this position in February 2025, subject to medical clearance, but says the selection has yet to be finalized.

11. In his motion, the Applicant requests an extension of time for 30 days to file his application because “it is fully anticipated that the Applicant’s pending selection

process will be finalized, ... thus rendering any challenge at issue moot and extinguishing any cause of action of the staff member related to the impugned administrative decision(s).” Yet, the Tribunal can see no harm to the Applicant if he were to file his application timely and, if the selection is finalized thereafter, withdraw the application in the future.

12. Similarly, the Applicant argues at length that an extension would be in “the interests of justice and judicial economy and efficiency.” However, any gains in judicial economy or efficiency are negligible. To the contrary, if an application were filed and withdrawn, virtually no judicial resources would be expended. Indeed, more resources have been expended by both Applicant’s counsel and the Tribunal in dealing with this motion. On the other hand, if a timely application were filed, the reply would be due in that same 30 days moving the litigation further along.

13. None of this seems exceptional, out of the ordinary or unusual. As such the Tribunal lacks any authority to grant the requested extension.

14. Finally, the motion requests, as an alternative to granting his motion for a 30-day extension, that “he be allowed an opportunity to appropriately and otherwise submit his application under conditions deemed just and proper and in the interests of justice.” This seems to be a tacit admission that the Applicant recognizes the absence of a valid basis for granting an extension.

15. Nonetheless, the Tribunal will grant the Applicant one additional day in which to file his application if he wishes. In so doing, the Tribunal wishes to make it very clear that this extension is an aberration. Filing an invalid extension cannot of itself create exceptional circumstances, and the Applicant, his counsel, and all further litigants should not expect such relief in the future.

Conclusion

16. In view of the foregoing, it is ORDERED THAT the Applicant file his application on or before the close of business on **Tuesday, 18 February 2025**.

(Signed)

Judge Sean Wallace (Duty Judge)

Dated this 17th day of February 2025

Entered in the Register on this 17th day of February 2025

(Signed)

Wanda L. Carter, Registrar, Nairobi