



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

BERHANU

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

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

Counsel for Applicant:
Self-represented

Counsel for Respondent:
UNHCR

Introduction

1. On 28 April 2025, the Applicant filed a motion for extension of time to file an application before the Dispute Tribunal in respect of a decision denying her request for maternity leave entitlements.
2. The Applicant states that she received the contested decision in December 2024.
3. In part VI of the motion, the Applicant indicates that she did not request management evaluation of the contested decision.

Consideration

4. Article 8.3 of the Dispute Tribunal's Statute provides that the Dispute 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".
5. Article 7.5 of the Dispute Tribunal's Rules of Procedure reiterates that in exceptional cases an applicant may request a suspension, waiver or extension of the time limits for filing an application. It further states that any such request shall succinctly set out the exceptional circumstances that, in the view of the applicant, justify the request.
6. In *Gelsei* 2020-UNAT-1035, the Appeals Tribunal held that if an applicant requests a suspension, waiver or extension of the time limits, they bear the burden to prove "any circumstances beyond their control that prevented them from acting within the statutory time limits" (para. 30). The Appeals Tribunal stated that the circumstances should meet "the test of untypicality or unusualness" (para. 34).
7. In this case, the Applicant submits that:

I delivered my baby via caesarean section on 14 January 2025. This was a major surgical procedure (4th time), and the physical recovery process has been both demanding and prolonged. In the weeks following the delivery, I experienced considerable pain and limited mobility, which made it extremely difficult to manage daily tasks,

let alone undertake complex administrative actions such as filing a formal complaint.

8. Whereas the Tribunal is sympathetic with the Applicant, the importance of complying with the applicable rules must be underscored.

9. Pursuant to art. 8.1 of its Statute, the Dispute Tribunal has jurisdiction to consider applications appealing an administrative decision only when a staff member has previously submitted the contested decision for management evaluation (where applicable). As the Appeals Tribunal held in *Aliko* 2015-UNAT-540, at para. 38, the Dispute Tribunal has no competence to address allegations not raised in the management evaluation request.

10. The Tribunal determines that since the Applicant did not subject the contested decision to management evaluation, granting this motion would be an exercise in futility.

Conclusion

11. In view of the foregoing, it is ORDERED THAT the Applicant's motion for extension of time to file the application is denied.

(Signed)

Judge Margaret Tibulya (Duty Judge)

Dated this 29th day of April 2025

Entered in the Register on this 29th day of April 2025

(Signed)

Wanda L. Carter, Registrar, Nairobi