



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2025/076  
Order No.: 113 (NBI/2025)-Corr.1  
Date: 31 July 2025  
Original: English

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**Before:** Judge Sean Wallace

**Registry:** Nairobi

**Registrar:** Wanda L. Carter

MOLI

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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

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**Counsel for Applicant:**

Hakim Muwonge

**Counsel for Respondent:**

Nicole Wynn, AS/ALD/OHR, UN Secretariat

Charlene Ndirangu, AS/ALD/OHR, UN Secretariat

Notice: This Order has been corrected in accordance with art. 31 of the Rules of Procedure of the United Nations Dispute Tribunal.

## Introduction

1. On 22 July 2025<sup>1</sup>, the Applicant filed this motion seeking an extension of time to file an application challenging the decision of the administration to deny his request to undergo robot-assisted laparoscopic prostate surgery in Switzerland.
2. On 24 July 2024, per direction, the Respondent filed a response to the motion challenging the motion as non-receivable *ratione materiae*.

## Background

3. The Applicant is a Finance Assistant<sup>2</sup> at the Regional Service Centre in Entebbe, Uganda (RSCE).
4. On 28 November 2024, the Applicant was diagnosed by a medical centre doctor in Uganda with prostate cancer.
5. On 5 December 2024, a urologic surgeon at Centre d’Urologie, a facility in Switzerland, confirmed the diagnosis and indicated that the “best clinical practice require(d)” “a robot-assisted laparoscopic radical prostatectomy with pelvic lymph node dissection”.
6. On 6 December, the Applicant contacted Cigna for medical coverage. On the same day, he was advised that the Cigna medical board had reviewed and approved a prostatectomy with a maximum length of stay of 3 days. He was advised that his Medical Insurance Plan confirmed full coverage could be considered in UAE, Kenya, Egypt, and South Africa as recognized Regional Areas of Care medical centers (RAC) if approved by the head of his duty station. He was further advised that he could seek assistance from UN physicians in RSCE to receive treatment abroad with approval of the duty station’s Director of Mission Support. Failure to

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<sup>1</sup> It is noted that the date in the initial order was cited as 18 July 2025; however, this was the date reflected on the Applicant’s motion, although the motion was received by the Tribunal on 22 July 2025.

<sup>2</sup> This Order amends and corrects the Applicant’s position, which was cited in the initial Order as “Language Assistant”

receive such approval would result in coverage of the care being reimbursed at the cost in the duty station.

7. On 15 December 2024, the Applicant was advised by the Deputy Chief Medical Officer at MONUSCO that the UN Division of Healthcare Management and Occupational Safety and Health (DHMOSH) had made a decision not to approve the Applicant's request to have treatment in the Switzerland facility. He advised that an ad hoc RAC could only be considered "where the required standard medical care is unavailable at the duty station or the preapproved RAC destinations". As the recommended standard treatment for his condition was available locally, the request to have it done in Switzerland was denied.

8. The Applicant sought re-evaluation of the decision, but was advised on 11 January 2025 the DHMOSH decision was reaffirmed; the Applicant was again advised that should he choose to undergo treatment outside the approved areas, he would be reimbursed at the customary rate for his duty station in Uganda.

9. On 24 January 2025, the Applicant travelled to Switzerland to receive treatment.

10. On 11 May 2025, the Applicant submitted to Cigna his claim of 31,238.66 CHF (\$39,480.04) for reimbursement for the treatment in Switzerland. On 25 June 2025, Cigna reimbursed the Applicant in the amount of \$12,164.18, "calculated at the reasonable and customary rate applicable to his duty station."

11. On 18 July, the Applicant filed this motion to extend the time to challenge the 15 December 2024 decision.

### **Consideration**

12. 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".

13. 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.

14. Further, the Appeals Tribunal has 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”. The Appeals Tribunal stated that the circumstances should meet “the test of untypicality or unusualness”. *Gelsei* 2020-UNAT-1035, paragraphs 30-34.

15. In the instant matter, the Applicant submits that his post-surgery recovery period involved “significant physical incapacitation and medical supervision” beyond his control and prevented his timely submission of the application.

16. He further argues that he could not file an Application to the Tribunal regarding inadequate compensation without first receiving the Settlement Note from Cigna and that Cigna’s delay in processing of his request for reimbursement was beyond his control.

17. While the Tribunal is sympathetic to the Applicant’s medical condition, the importance of complying with the applicable rules must be underscored. The contested decision was rendered on 15 December 2024, more than 6 months before the filing of this motion. Pursuant to Staff Rules 11.2(a) and (c), ST/SGB/2023/1, a timely challenge had to be initiated by a request for management evaluation within 60 days of the date of the impugned decision. In this case, at the latest, on 13 February 2025.

18. The Tribunal disagrees that there was a need to await actual reimbursement from Cigna before filing an application to challenge the administration's decision that it would not cover the cost of his treatment in Switzerland. The decision was reiterated to the Applicant on at least three separate occasions and does not find that repeated requests constitute an exceptional and compelling circumstance. The Tribunal further does not find the month taken by Cigna to apply the reimbursement decision previously notified to the Applicant constitutes a cognizable delay.

19. Furthermore, the Tribunal notes that, in his application, the Applicant admits that he did not file a request for management evaluation. Pursuant to art. 8.1 of its Statute, the 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). The Appeals Tribunal succinctly held that the Dispute Tribunal has no competence to address allegations not raised in a management evaluation request. *Aliko* 2015-UNAT-540, para. 38; *Babiker* 2016- UNAT-672.

20. It has been routinely found that DHMOSH decisions are generally subject to the requirement of management evaluation. *Raschdorf*, 2023-UNAT-1343, para 30, citing *Jolanta Wozniak*, 2022-UNAT-1229; *Soni* 2023-UNAT-1316. The Applicant has not presented any argument to support that this decision should not have been subject to management evaluation under the applicable staff rules.

21. The Tribunal also stresses that article 8.3 of its Statute expressly provides that the "Dispute Tribunal shall not suspend or waive the deadline for management evaluation" and that it has no authority to waive or extend the time for filing a management evaluation request. Since the Applicant did not subject the contested decision to management evaluation and the deadline for doing so has already run, granting this motion to extend the time for filing with the Tribunal would be an exercise in futility.

**Conclusion**

IT IS ORDERED THAT:

22. The Applicant's motion for extension of time to file the application is denied.

*(Signed)*

Judge Sean Wallace

Dated this 31<sup>st</sup> day of July 2025

Entered in the Register on this 31<sup>st</sup> day of July 2025

*(Signed)*

Wanda L. Carter, Registrar, Nairobi