



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2025/073
Order No.: 161 (NBI/2025)
Date: 15 September 2025
Original: English

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

ISMAEL

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Chenayi Mutuma, UNHCR
Anna Mildemberger, UNHCR

Introduction

1. The Applicant was a Senior Protection Officer with the United Nations Refugee Agency (“UNHCR”), based in Dohuk, Iraq.
2. On 14 October 2025, he filed this application challenging the decision of UNHCR to deny further extension of his sick leave following determination from his personal physician assessing him as physically unfit to return to work, and the refusal of UNHCR’s Medical Section to submit a request for disability benefits on his behalf.
3. The Applicant filed a management evaluation request with the Deputy High Commissioner, UNCHR on 3 March 2025, challenging the decision to terminate his fixed term appointment, and the denials of his extended sick leave and disability benefits requests. All three decisions were upheld on 15 April 2025.
4. On 14 July 2025, the Applicant filed this application contesting the denial of his sick leave and disability benefits requests.
5. The Respondent filed a reply on 15 August 2025, in which it argues that the application is not receivable *ratione temporis*, as it was not filed within 90 days of the management evaluation response.

Consideration

6. With regard to the issue of receivability, the Respondent argues that “when counting from 15 April 2025, the 90-day period ended on 14 July 2025. The Applicant filed his application on 15 July 2025, which was 1 day beyond the time limit set out in the Rules of Procedure.
7. The Tribunal initially notes that it has been advised by the Registry that the Applicant sent an email communication to the Registry on 14 July 2025, indicating that he had attempted to file his application, but that the Court Case Management System was unavailable due to system maintenance. He attached the documents to his email, specifically expressing his concern with the 15 July deadline, and indicating that he was filing via email to “ensure timely receipt”.

8. On 15 July, the Applicant was notified by the Registry that the system was back online, and was asked to resubmit the documents via the e-Portal; he was advised that the date of his email submission would be the date used to determine the date of filing. Accordingly, the application was considered received by the Registry on 14 July 2025, which is within the time prescribed by Article 8.1(d)(i)(a) of the Dispute Tribunal Statute and Article 7.1(a) of the Rules of Procedure. Thus, the application is receivable.

9. The Tribunal has reviewed the parties' submissions and considers itself fully briefed. The relevant facts in the present case are clear, and the matter can be determined on the basis of the documents on record.

10. Therefore, in the interest of a fair and expeditious disposal of the case, the parties are directed to file closing submissions, if they so choose, addressing the points raised in each other's filings.

Conclusion

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

- a. The application is determined receivable;
- b. The parties will file their respective closing submissions by 5 p.m. (Nairobi time) on **Wednesday, 1 October 2025**.
- c. The closing submissions shall not exceed five pages each (excluding the cover and signature pages), in font Times New Roman, font size 12, line spacing of 1.5 lines.

(Signed)

Judge Sean Wallace (Duty Judge)

Dated this 15th day of September 2025

Entered in the Register on this 15th day of September 2025

(Signed)

Wanda L. Carter, Registrar, Nairobi