



Before: Judge Alexander W. Hunter, Jr.

Registry: New York

Registrar: Nerea Suero Fontecha

VELIZ

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:
ALD/OHR, UN Secretariat

Introduction

1. On 29 January 2019, the Applicant, a G-6 Training Assistant with the United Nations Joint Staff Pension Fund filed a motion for extension of time to file an application.

2. In this motion, the Applicant requested an extension of time on the grounds of “medical issues”, explaining that “[w]e are currently working a lawyer [sic] to develop a plan and would appreciate a 90 day extension”. The motion did not contain any further information or evidence in support of the extension.

3. On the same day (29 January 2019), the Tribunal acknowledged receipt of the motion and upon instructions of the undersigned Judge, directed the Applicant to submit full reasons for his request for an extension of time, including supporting evidence which consists of certified medical certificates by 4:00 p.m. on Wednesday, 30 January 2019.

4. The Applicant did not file any further submissions by the 4:00 p.m., 30 January 2019 deadline.

Consideration

5. Article 8.3 of the Dispute Tribunal’s Statute provides that “[t]he Dispute Tribunal may decide ... to suspend or waive the deadlines for a limited period of time and only in exceptional cases. The Dispute Tribunal shall not suspend or waive the deadlines for management evaluation”.

6. Article 7.5 of the Dispute Tribunal’s Rules of Procedure reiterates that an applicant may request suspension, waiver, or extension of time limits for filing an application in exceptional cases. Article 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.

7. It is well established jurisprudence that the Tribunal may only suspend or waive the deadlines for filing an application in exceptional circumstances (see, for instance, *Osman* 2011-UNAT-147, *Christensen* 2012-UNAT-218 and *Rüger* 2016-UNAT-693).

8. The Tribunal is not satisfied that any “exceptional circumstance” within the meaning of the above-cited provisions exist in the case under review. The Applicant requests an extension of time to file an application on grounds of “medical issues”. He does not provide any further explanation in respect of his circumstances, despite being afforded the opportunity by the Tribunal to avail further information and supportive evidence. As the United Nations Appeals Tribunal has affirmed in its Judgment 2010-UNAT-029, *El-Kathib*, only events beyond the applicant’s control and actually preventing him or her from pursuing legal action may be regarded as “exceptional circumstances” warranting such a waiver. In the case at hand, the Applicant has failed to demonstrate how his “medical issues” made it impossible for him to file an application in a timely fashion.

Conclusion

9. For the reasons stated above, the Applicant’s request for extension of time to file his application is dismissed.

(Signed)

Judge Alexander W. Hunter, Jr.

Dated this 30th day of January 2019