

# **UNDT/2009/036, Morsy**

## UNAT Held or UNDT Pronouncements

On consideration of the totality of the applicant's particular situation, the Dispute Tribunal held it was an exceptional case with exceptional reasons justifying an extension of time. An extension of time to file was granted.

## Decision Contested or Judgment/Order Appealed

The applicant made a request for extension of time to lodge an application with the Dispute Tribunal, having already been granted an extension by the Administrative Tribunal prior to 1 July 2009. The respondent objected on the grounds that the applicant had failed to show exceptional circumstances or overriding issues of interest of justice which would justify a waiver of the statutory time limits.

## Legal Principle(s)

Exceptional defined as something out of the ordinary, quite unusual, special or uncommon. The Dispute Tribunal is not required to interpret 'exceptional' as narrowly as 'exceptional circumstances' has been interpreted by the Administrative Tribunal; the Dispute Tribunal has the discretion to decide whether an applicant's case is exceptional on a case by case basis with regard to requests for extension of time to lodge an application.

## Outcome

Judgment entered for Applicant in full or in part

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Morsy

## Entity

UNFPA

## Case Number(s)

UNDT/NY/2009/113

## Tribunal

UNDT

## Registry

New York

## Date of Judgement

14 Oct 2009

## Language of Judgment

English

French

## Issuance Type

Judgment

## Categories/Subcategories

Management Evaluation

Extension of time

## Applicable Law

## Former Staff Regulations

- Regulation 11.2

## Former Staff Rules

- Rule 111.2(f)

## Staff Regulations

- Regulation 11.1(a)

## Staff Rules

- Rule 11.4(a)

## UNAT RoP

- Article 24

## UNAT Statute

- Article 7.4
- Article 7.5

## UNDT RoP

- Article 35
- Article 7.5

## UNDT Statute

- Article 8.1
- Article 8.3
- Article 8.4
- Article 8.5