

UNDT/2010/083, Banned

UNAT Held or UNDT Pronouncements

Since the applicant did not comply with the time limits prescribed in former staff rule 111.2 (a), the Tribunal examined whether there were any exceptional circumstances within the meaning of former staff rule 111.2 (f) which prevented her from submitting a request for review in time. The Tribunal applied the definition of exceptional circumstances adopted by the former UNAT and upheld by the UNDT in a number of judgments, i.e. circumstances beyond the control of the applicant. Outcome: The application was rejected as time-barred.

Decision Contested or Judgment/Order Appealed

On 17 March 2005, the applicant sent a letter to the Secretary-General requesting review of the decision, formally communicated to her in November 2004, to inter alia cancel the arrangement allowing her retired husband to pay her medical insurance premiums. In her letter, she noted that: "Although prepared in December 2004 I chose to postpone sending this request, and my search for personal satisfaction, in the wake of the Tsunami disaster, and the evident need to concentrate on relief to its victims." In April 2007, the JAB rejected the appeal as time-barred on the grounds that the applicant had failed to comply with the time limits prescribed in former staff rule 111.2. In August 2008, the Applicant filed an appeal with the former UNAT against the Secretary-General's decision to accept the findings and conclusions of the JAB.

Legal Principle(s)

N/A

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Barned

Entity

UNOG

Case Number(s)

UNDT/GVA/2010/041

Tribunal

UNDT

Registry

Geneva

Date of Judgement

5 May 2010

Duty Judge

Judge Cousin

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Temporal (ratione temporis)

Applicable Law

Former Staff Rules

- Rule 111.2(a)(f)

Related Judgments and Orders

UNDT/2010/019

UNDT/2010/031