

UNDT/2010/184, Amarilla

UNAT Held or UNDT Pronouncements

The applicant (but not his counsel) received a copy of the letter on 1 December 2008 and therefore had until 2 March 2009 to file his application. However, his application was dated 30 June 2009, or 120 days past the deadline, and it was received by the former Administrative Tribunal only on 6 July 2009. The respondent submitted as a preliminary matter that the application was time-barred. The applicant contended that his counsel had not been notified of the decision by the Administration and therefore counsel was unable to file a timely appeal. UNDT found that the applicant was informed of the contested decision and that it was the responsibility of the applicant, who was informed of the status of his case, to give instructions to his counsel. UNDT held that there was no evidence that the applicant took any steps to initiate his appeal on time, that there were no exceptional reasons to justify a waiver of the time limits, and that the application was therefore time-barred. Outcome: The application was dismissed.

Decision Contested or Judgment/Order Appealed

The applicant contested the decision to place a letter of censure on his official status file following charges of sexual harassment against him.

Legal Principle(s)

Waiver and suspension of time limits, exceptional circumstances: For UNDT to waive or suspend the deadlines stipulated in art. 8 of the Statute, the reasons outlined in a request for a waiver or suspension of time limits must show circumstances that are out of the ordinary, quite unusual, special, or uncommon; they need not be unique, unprecedented, or beyond the applicant's control. Forfeiture of right to be heard: To have standing before UNDT, the applicant must show that he has not been negligent or forfeited the right to be heard by his inaction or lack of vigilance.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Amarilla

Entity

UN Secretariat

Case Number(s)

UNDT/NY/2010/046/UNAT/1718

Tribunal

UNDT

Registry

New York

Date of Judgement

15 Oct 2010

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Temporal (ratione temporis)

Applicable Law

UNDT Statute

- Article 8.3

Related Judgments and Orders

UNDT/2009/036

UNDT/2009/037

UNDT/2009/052

UNDT/2010/019

UNDT/2010/054

UNDT/2010/158

UNDT/2010/083