

2010-UNAT-067, Diagne et al.

UNAT Held or UNDT Pronouncements

UNAT held that the Appellants each failed to bring themselves under the exceptional circumstances provision of former Staff Rule 111. 2(f). UNAT held that there was no legal difference between exceptional circumstances and exceptional cases. UNAT held that a delay can generally be excused only because of circumstances beyond an Appellant's control. UNAT held that no error in fact or in law was made by UNDT. UNAT dismissed the appeal.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to terminate his appointment. UNDT held that the application to the Joint Appeals Board was time-barred as it was filed after the time limit set out in former Staff Rule 111. 2(a) and there were no exceptional circumstances to justify the waiver of that time limit.

Legal Principle(s)

A delay can generally be excused only because of circumstances beyond the appellant's control.

Outcome

Appeal dismissed on merits

Outcome Extra Text

No relief ordered; No relief ordered.

Full judgment

[Full judgment](#)

Applicants/Appellants

Diagne et al.

Entity

UNHCR

Case Number(s)

2009-014

Tribunal

UNAT

Registry

New York

Date of Judgement

29 Oct 2010

President Judge

Judge Boyko

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Temporal (ratione temporis)

Applicable Law

Former Staff Rules

- Rule 111.2(a)
- Rule 111.2(f)

UNDT RoP

- Article 7.5

UNDT Statute

- Article 8.3

Related Judgments and Orders

UNDT/2009/057

UNDT/2009/036

UNDT/2009/052