

# 2012-UNAT-218, Christensen

## UNAT Held or UNDT Pronouncements

As a preliminary matter, UNAT denied the Appellant's request for an oral hearing as the submissions by the parties did not require clarification. UNAT questioned whether her case presented exceptional circumstances that would warrant the reopening of her case by the Secretary-General, as her application was not filed in a timely manner. UNAT found that the appeal was not receivable as, notwithstanding her illness, she did not demonstrate such circumstances. UNAT dismissed the appeal and upheld the UNDT judgment.

## Decision Contested or Judgment/Order Appealed

The Applicant contested the Secretary-General's decision not to reopen or reconsider an Advisory Board on Compensation Claims' (ABCC) decision from 2004. UNDT found that the ABCC Case was not receivable *ratione temporis*.

## Legal Principle(s)

The Secretary-General may reopen a case provided that the applicant presents exceptional circumstances. With respect to time limits, it is the staff member's responsibility to ensure that they are aware of the applicable procedure in the context of the administration of justice of the UN; ignorance cannot be invoked as an excuse.

## Outcome

Appeal dismissed on receivability

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Christensen

## Entity

ICTR

## Case Number(s)

2011-228

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

16 Mar 2012

## President Judge

Judge Adinyira

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Temporal (ratione temporis)

## Applicable Law

### Staff Rules

- Appendix D

## Related Judgments and Orders

2011-UNAT-184

2010-UNAT-030

2010-UNAT-069