

2016-UNAT-693, Ruger

UNAT Held or UNDT Pronouncements

UNAT considered the appeal. UNAT found that UNDT did not err in finding that the Appellant's case did not constitute "exceptional cases," so as to justify a waiver of the time limit, pursuant to Article 8(3) of the UNDT Statute. UNAT also did not find any exceptional circumstances requiring it to receive additional documentary evidence, pursuant to Article 2(5) of the UNAT Statute, nor did it find that its content would have affected the decision of the case. UNAT found no reversible error in UNDT's rejection of the Appellant's motion for extension of time and its summary dismissal of her application as non-receivable *ratione temporis*. UNAT dismissed the appeal and affirmed UNDT's judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the imposition of a disciplinary measure of separation from service, with compensation in lieu of notice and with termination indemnity. The Applicant also submitted a Motion for extension of time to file an application. UNDT rejected the motion for extension of time and dismissed her application as not receivable *ratione temporis*.

Legal Principle(s)

UNDT may decide in writing, upon written request by the applicant, to suspend or waive the deadlines for a limited period of time and only in exceptional cases. In exceptional cases, an applicant may submit a written request to the Dispute Tribunal seeking suspension, waiver or extension of the time limits. The degree of lateness has no relevance for the finding of exceptional circumstances. Whether a deadline is missed by several minutes, several hours or several days is irrelevant. A waiver of time can be justified under Article 8(3) of the UNDT Statute only if the applicant shows that exceptional circumstances beyond his or her control prevented him or her from acting within the statutory time limits. Additional evidence may not be accepted on appeal if it could have been presented before the UNDT.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Ruger

Entity

N/A

Case Number(s)

2016-923

Tribunal

UNAT

Registry

New York

Date of Judgement

28 Oct 2016

President Judge

Judge Knierim

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Temporal (ratione temporis)

Applicable Law

UNAT Statute

- Article 2.5

UNDT Statute

- Article 8.3

Related Judgments and Orders

UNDT/2016/015

2014-UNAT-478

2012-UNAT-211

2013-UNAT-384

2010-UNAT-029

2015-UNAT-604

2015-UNAT-580

2012-UNAT-264

2010-UNAT-056

UNDT/2013/071

2011-UNAT-118