

2018-UNAT-872, Sylvester

UNAT Held or UNDT Pronouncements

UNAT held that the Appellant did not present sufficient evidence to support his claim and demonstrate any incapacity during the relevant time frame. UNAT was satisfied that the AJAB had considered all relevant evidence to the issues. UNAT dismissed the appeal and affirmed the decision of the ICAO Secretary-General.

Decision Contested or Judgment/Order Appealed

ICAO Decision: The Applicant submitted a request for a waiver of the delay in filing an appeal to the Secretary-General of ICAO in view of exceptional circumstances. The Secretary-General of ICAO decided to accept the opinion of the Advisory Joint Appeals Board (AJAB) that the Applicant's request did not present evidence of "exceptional circumstances" justifying a waiver and to deny the Applicant's appeal.

Legal Principle(s)

The Applicant bears the burden to prove any circumstances beyond his or her control that would have the effect of preventing him or her from acting within the statutory time limits.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Sylvester

Entity

ICAO

Case Number(s)

2018-1164

Tribunal

UNAT

Registry

New York

Date of Judgement

26 Oct 2018

President Judge

Judge Halfeld

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Temporal (ratione temporis)

Applicable Law

Agreements, conventions, treaties (etc.)

- Agreement concluded between the UN and ICAO (6 January 2010)

Laws of other entities (rules, regulations etc.)

- ICAO FSSR Annex VIII

UNAT Statute

- Article 2.10

Related Judgments and Orders

2016-UNAT-693

2017-UNAT-773

2010-UNAT-029

2014-UNAT-478