

011 (NBI/2025), Cynthia Cline

UNAT Held or UNDT Pronouncements

The Tribunal found that the Applicant had provided sufficient information to justify the granting of a brief extension of the deadline to file her application. A broken computer had the effect of preventing even the most essential access. The Tribunal considered that it was in the interest of justice to permit the brief extension to allow the Applicant to have her case heard on the merits, and that the Respondent would not be prejudiced by such extension of the deadline.

Decision Contested or Judgment/Order Appealed

The Applicant requested an extension of time to file an application challenging the decision to remove her functions as ascribed in her job description and her reassignment to the Division of Administration. The Applicant cited inability to complete and file its application in a timely manner due to problems and damage to the computer being used.

Legal Principle(s)

Article 8.3 of the Dispute Tribunal's Statute stipulates that the Tribunal 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. Article 7.5 of the Dispute Tribunal's Rules of Procedure also provides that, in exceptional cases, an applicant may submit a written request to the Tribunal seeking suspension, waiver or extension of the time limits for filing an application. Any such request shall succinctly set out the exceptional circumstances that, in the view of the applicant, justify the request. Article 19.1 of the UNDT Rules of Procedure provides that the Tribunal may at any time, either on an application of a party or on its own initiative, issue any order or give any direction which appears to a judge to be appropriate for the fair and expeditious disposal of the case and to do justice to the parties. If an Applicant requests a suspension, waiver or extension of the time limits, the Applicant bears the burden of establishing "that the circumstances responsible for the delay were "exceptional". "Exceptional" means other than, or out of, the ordinary, or unusual. The circumstances are "the exception rather than the rule" as it is sometimes expressed. The interests of justice are the paramount factor in the exercise of this discretion and that involves a balancing of the rights and interests of the parties. Considerations of whether either will be prejudiced by the grant or refusal of an order, and if so the extent and effect of such prejudice, will be a relevant consideration. So too is the length of any delay relevant, and where the responsibility for the delay lies.

Outcome

Other motion granted

Full order

[Full order](#)

Individual Party

Cynthia Cline

Entity

UNECA

Case Number(s)

UNDT/NBI/2025/010 (Cline, Cynthia)

Tribunal

UNDT

Registry

Nairobi

Date of Order

5 Feb 2025

Duty Judge

Judge Wallace

Language of Order

English

Appeal Status

Appealed

Issuance Type

Order

Categories/Subcategories

Extension of time

Management Evaluation

Applicable Law

UNDT RoP

- Article 19.1
- Article 7.5

UNDT Statute

- Article 8.3

Related Judgments and Orders

2020-UNAT-1035

2024-UNAT-1501