



**UNITED NATIONS APPEALS TRIBUNAL
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Case No. 2010-145

**Osman
(Appellant)**

v.

**Secretary-General of the United Nations
(Respondent)**

JUDGMENT

Before: Judge Luis María Simón, Presiding
Judge Kamaljit Singh Garewal
Judge Mark P. Painter

Judgment No.: 2011-UNAT-147

Date: 8 July 2011

Registrar: Weicheng Lin

Counsel for Appellant: George G. Irving

Counsel for Respondent: Amy Wood

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dereliction of duty by his volunteer counsel left Osman to fend for himself. Only after he retained outside professional legal assistance was he able to submit an application to the UNDT, but “slightly beyond the time limit”. It should be noted that Osman is an FS-3 level staff member serving in a difficult and isolated mission and had to rely on the assistance of counsel in pursuing his claims.

Secretary-General’s Answer

13. The Secretary-General notes that Osman was only appealing the UNDT Judgment with respect to the decision not to renew his contract; he did not challenge the UNDT’s determination with respect to the decision not to grant him five days of annual leave.

14. The UNDT correctly concluded that Osman’s application against the non-renewal decision was time-barred because he had failed to file his application within 90 days of the expiry of the response period for the management evaluation. Moreover, Osman’s application against the non-renewal of his contract was rendered moot by subsequent decisions to extend his contract through 30 June 2011.

15. The UNDT did consider whether or not any exceptional circumstances existed that would warrant a waiver of the time limits, but correctly found that neither the health problems nor the need to replace counsel constituted exceptional circumstances justifying Osman’s failure to observe the statutory time limits.

Considerations

16. As it was pointed out by the learned Judge

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