



Before: Judge Ebrahim-Carstens

Registry: New York

Registrar: Morten Albert Michelsen, Officer-in-Charge

APPLICANT

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

**ON RECEIVABILITY AND
EXTENSION OF TIME**

Counsel for applicant:

François Lorient

Counsel for respondent:

Melissa Bullen, ALS/OHRM, UN Secretariat

Case No. UNDT/NY/2010/090

Order No. 263 (NY/2010)

complete shock for him which compounded his distressed state of mind.

15. In May 2010, [the applicant] was repatriated to France, at his own expenditure and in the most difficult family context, becoming extremely ill and in a state a total disability.

16. In June 2010, [the applicant] consulted with his physician, Dr. [H], who diagnosed a severe depression (annex 2), and prescribed him medications and full rest in view of his complete disability.

5.

time are of no relevance to the Tribunal's ruling on receivability—I do not propose at this stage to address these issues further but I shall do so at the appropriate time when both counsel appear before me.

Observation on submissions

15.

assessment may be made in some cases by taking a peek at the merits—provided there is sufficient information before the Tribunal—or may be evident from the applicability (or non-applicability) of a particular regulation or rule. No doubt an unmeritorious claim may be mulcted in costs as an abuse of process in the final analysis. In the instant case, there is presently insufficient information before the Tribunal for any such assessment to be made.

18. There is one final matter. Counsel for the applicant requested that the applicant's name be removed from any "related ... UNDT websites" and there was no objection from the respondent. In view of the reasons provided by the applicant in his request and my determination that this Order be published, I have decided that the name of the applicant should be omitted from the Order.

IT IS ORDERED THAT —

1. The request for a waiver and extension of time to file an application is hereby granted.
2. The applicant shall file his application by **5:00 p.m. (New York time), Wednesday, 27 October 2010.**
3. Other matters raised in this Order shall be dealt with in due course upon the direction of the Tribunal.

(