



Before: Judge Ebrahim-Carstens

Registry: New York

Registrar: Hafida Lahiouel

WILSON

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

**ON MOTION FOR WAIVER OF TIME
LIMIT TO FILE AN APPLICATION**

Counsel for Applicant:
Self-represented

Counsel for Respondent:
Alan Gutman, ALS/OHRM, UN Secretariat
Elizabeth Gall, ALS/OHRM, UN Secretariat

Introduction

1. The Applicant is the Chief, Proactive Investigations Unit, Investigations Division, Office of Internal Oversight Services (“OIOS”).
2. On 3 April 2016, the Applicant filed a motion titled ‘motion for waiver of time to file an application’, requesting “a waiver of any of the time lines associated to paragraph 1 Article 7 (UNDT rules of procedure) in consideration of 1) my forthcoming Application and 2) a request for an expedited hearing before the UNDT.” The Applicant attached seven annexes, containing more than 250 pages of documents.
3. On 4 April 2016, the New York Registry of the Dispute Tribunal transmitted the Applicant’s motion to the Respondent, directing that the response be filed by 11 April 2016.
4. On 11 April 2016, the Respondent filed a response requesting that the Applicant’s motion be rejected.
5. On 12 April 2016, the Applicant filed a further motion also titled ‘motion for waiver of time to file an application’

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the Office of the Ombudsman, under conditions specified by the Secretary-General.

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Rule 11.4

United Nations Dispute Tribunal

- (a) A staff member may file an application against a

3. The Dispute 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. The Dispute Tribunal shall not suspend or waive the deadlines for management evaluation.

15. The Dispute Tribunal's Rules of Procedure provide, insofar as relevant:

Article 7 Time limits for filing applications

1. Applications shall be submitted to the Dispute Tribunal through the Registrar within:

(a) 90 calendar days of the receipt by the applicant of the management evaluation, as appropriate;

(b) 90 calendar days of the relevant deadline for the communication of a response to a management evaluation, namely, 30 calendar days for disputes arising at Headquarters and 45 calendar days for disputes arising at other offices;

...

5. In exceptional cases, an applicant may submit a written request to the Dispute Tribunal seeking suspension, waiver or extension of the time limits referred to in article 7.1 above. Such request shall

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the Applicant may file an application on the merits when he receives the outcome of his request for management evaluation or upon the expiry of the deadline specified under staff rule 11.2(d), whichever is earlier.

Request for an expedited hearing

22. The Applicant also requests an expedited hearing, on the basis that “the only way a fair determination of my sick leave with pay request can be considered (in order to protect my limited/remaining sick days) is by means of a (expedited) hearing; so that those management officials identified in various documents can provide an explanation to the issues at hand.”

23. The Tribunal having rejected the Applicant’s motion for waiver of time to file

IT IS ORDERED THAT:

25. The Applicant's motion for waiver of time to file an application, filed on 3 April 2016, and the subsequent motion filed on 12 April 2016, and all requests contained therein, are rejected.

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