

---

UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2021/037  
Order No.: 84 (NY/2021)  
Date: 7 September 2021  
Original: English

---

**Before:** Judge Joelle Adda  
**Registry:** New York  
**Registrar:** Nerea Suero Fontecha

APPLICANT

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

---

**ORDER**

**ON MOTION FOR EXTENSION OF  
TIME TO FILE AN APPLICATION**

**AND**

**ON REQUEST FOR ANONYMITY**

---

**Counsel for Applicant:**  
Endah Ayuningsih Indini, OSLA

**Counsel for Respondent:**  
UNOG

## **Introduction**

1. On 4 September 2021, the Applicant filed a motion for extension of time to file an application before the Dispute Tribunal in respect of a decision concerning his claim for compensation under Appendix D to the Staff Rules (Appendix Dö).

## **Factual background**

2. In February 2016, the Applicant filed a claim for compensation under Appendix D following an accident that occurred in November 2015.

3. On 9 June 2021, the Applicant received a memorandum from the Compensation Claims Unit of the United Nations Office at Geneva (UNOGö) regarding his claim for compensation.

4. On 5 August 2021, the Applicant filed a request for management evaluation with respect to the 9 June 2021 memorandum.

5. On 4 September 2021, the Applicant filed the present motion for extension of time to file an application.

## **Considerations**

6. Article 8.3 of the Staff Rules provides that 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. Article 7.5 of the Dispute Tribunal Rules reiterates that in exceptional cases an applicant may request a suspension, wa

7. In *Gelsei* 2020-UNAT-1035, the Appeals Tribunal held that if an applicant requests a suspension, waiver or extension of the time limits, then an applicant bears the burden of proving that the delay was due to circumstances beyond [her/his] control that would have prevented the applicant from filing the appeal in a timely manner. The Appeals Tribunal stated that the applicant must prove that the delay was due to circumstances beyond the applicant's control that would have prevented the applicant from filing the appeal in a timely manner.

8. In this case, the Applicant submits that since the memorandum of 9 June 2021 is ambiguous, he requested clarification from the Tribunal. The Tribunal's response of 12 July 2021 is also ambiguous, and the Applicant has requested further clarification.

13. The Tribunal also notes that the Applicant requests anonymity on the basis that the case concerns his medical information. To protect personal data under art. 33 of the Constitution, the Applicant's request for anonymity is granted.

IT IS ORDERED THAT:

14. The Applicant's motion for extension of time to file an application is denied.

15. The Applicant's motion for anonymity is granted.

*(Signed)*

Judge Joelle Adda

Dated this 7<sup>th</sup> day of September 2021