
UNITED NATIONS APPEALS TRIBUNAL
TRIBUNAL D 'APPEL DES NATIONS UNIES

Bofill
(Appellant)

v.

Secretary-General of the United Nations
(Respondent)

JUDGMENT

Before:	Judge Inés Weinberg de Roca, Presiding Judge Luis Mará Simó Judge Mary Faherty
Case No.:	2014-551
Date:	17 October 2014
Registrar:	Weicheng Lin

JUDGE INÉS WEINBERG DE ROCA, PRESIDING .

1.

THE UNITED NATIONS A

14. Finally, the Secretary-General recalls that the Appeals Tribunal decided in *Cooke* that the “UNDT cannot consider whether exceptional circumstances exist unless the applicant has submitted a prior written request for waiver”.¹

Considerations

15. The UNDT rejected the application of Ms. Bofill as time-barred.

16. Ms. Bofill appeals on the ground that she acted in good faith and did not benefit from legal counsel.

17. Article 8 of the UNDT Statute states, in part, that an application shall be receivable if:

(d) The application is filed within the following deadlines:

(i) In cases where a management evaluation of the contested decision is required:

a. Within 90 calendar days of the applicant’s receipt of the response by management to his or her submission; or

b. Within 90 calendar days of the expiry of the relevant response period for the management evaluation if no response to the request was provided. The response period shall be 30 calendar days after the submission of the decision to management evaluation for disputes arising at Headquarters and 45 calendar days for other offices[.]

18. Ms. Bofill was notified of the contested decision on 13 February 2013 and informed on 1 May 2013 by the Office of the Deputy High Commissioner that Article 8 of the UNDT Statute applied to her appeal. This circumstance is not disputed.

19. This Tribunal has repeatedly held that it “has been strictly enforcing, and will continue to strictly enforce, the various time limits”.² The Appeals Tribunal has followed the jurisprudence of the former Administrative Tribunal according to which only circumstances “beyond his or her control that prevented the applicant from exercising the right of appeal in a timely manner” may be considered “exceptional circumstances” justifying a waiver of the statutory time limit.³

¹ *Cooke v. Secretary-General of the United Nations*, Judgment No. 2012-UNAT-275, para. 30.

² *Mezoui v. Secretary-General of the United Nations*, Judgment No. 2010-UNAT-043, para. 21. See also *Ibrahim v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. 2010-UNAT-069; *Harding v. Secretary-General of the United Nations*, Order No. 44 (2011); *Meron v. Secretary-General of the United Nations*, Order No. 42 (2011); *Islam v. Secretary-General of the United Nations*, Order No. 7 (2010).

³ *El-Khatib v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. 2010-UNAT-029, para. 14.

THE U

Original and Authoritative Version: English

Dated this 17th day of October 2014 in New York, United States.

(Signed)

Judge Weinberg de Roca,
Presiding

(Signed)

Judge Simón

(Signed)

Judge Faherty

Entered in the Register on this 22nd day of December 2014 in New York, United States.

(Signed)

Weicheng Lin, Registrar