7. On 26 July 2004, the ABCC issued its report in which it denied Ms. Christensen's claim on the basis that she had not contracted her illness while in service but rather while visiting Mount Meru near Arusha, Tanzania. On 25 September 2004, Ms. Christensen was informed that on 9 August 2004 the Secretary-General had endorsed the ABCC's findings.

8. On 10 October 2005, Ms. Christensen sent a letter to the Secretary-General in which she requested administrative review of the findings of the ABCC. As a result of the lack of answer from the Secretary-General to her 10October 2005 letter, Ms. Christensen submitted an Appeal to the Joint Appeals Board (JAB) on 16 October 2006. On 22 June 2006, in parallel to her JAB submission, and following over a year's worth of extensions of the time limit to file, Ms. Christensen filed an application with the former Administrative Tribunal contesting the findings of the ABCC.

9. On 28 November 2006, the JAB rejected Ms. Christensen's appeal in Case No. 2006-004 noting that "the appeal is not receivable by the JAB for lack of competence in the matter", as the contested decision "[fell] under Appendix D, rather than Chapter XI of the Staff Rules".

10. On 30 January 2009, the former Administrative Tribunal issued Judgment No. 1427 in which it rejected the application in its entirety by stating in its considerations that:

> VI. At the outset, the Tribunal must first consider whether the Applicant's claim regarding the ABCC is receivable, *ratione materiae* Unfortunately for the Applicant, the Tribunal finds that it is not. Article 17 of Appendix D sets forth with considerable specificity the procedure to be followed […]. That processrequires that the Applicant C /P <</M</MCdd Tc pahe

However, for the reasons set forth above, under the present circumstances, the matter is not receivable by the Tribunal, *rationae materiae*, and must be rejected.

VIII. […] Staff rule 111.2 provides that when a staff member wishes to appeal an administrative decision, he or she must first seek administrative review of the decision by the Secretary-General. Thereafter, the matter may be brought to an appeals body, such as the JAB. In the normal course, the JAB then makes its recommendations and the Secretary-General either accepts or rejects the recommendations […]

IX. In the instant case, the issues raised by the Applicant are still pending before the JAB, and, therefore, in accordance with article 7, the matter is i5(cd)ae 7eod.

> Compensation Claims or the Medical Boards, would also not be subject to a management evaluation.

13. On 14 December 2009, Ms. Christensen e-mailed the UNDT in New York requesting an extension of time to appeal the MEU decision due to her counsel's withdrawal as a result of a medical illness. That same day, theUNDT in New York forwarded Ms. Christensen's request to the UNDT in Nairobi.

14. On 28 May 2010, the UNDT in Nairobi issued Order No. 101 (UNDT/101) regarding Ms. Christensen's appeal against "the administrative decision not to pay her certain entitlements which remained outstanding upon her separation from service with the Organization on 23 June 2003". This order was issued in case No. UNDT/NBI/2009/069 which appears to be the Nairobi case number issued for two applications by Ms. Christensen that were previously in front of the UNDT in New York: former JAB case No. 2005-004 which was transferred to the New York Registry as UNDT/NY/2009/105 (Salary Case) and former JAB case No. 2006-053 which was transferred to the New York Registry as UNDT/NY/2009/106 (Entitlements Case).

15. On 30 July 2010, as part of the "Statement of Facts and Core Issues" in case No. UNDT/NBI/2009/069, Ms. Christensen stated that she "wishes to raise as a preliminary issue the possibility of joining the two cases [the Salary Case and the Entitlements Case] since they arise out of the same facts." Within that same statement, Ms. Christensen also stated that she was considering filing an application with regard to the former JAB case No. 2006-004 (ABCC Case) for which there was an "outstanding request for an extension of time".

16. On 22 December 2010, Ms. Christensen filed her "Application (Motion) for Consolidation, Waiver of Time Limits". As part of this motion, Ms. Christensen sought leave to file an application in the ABCC Case and its subsequent consolidation with the Entitlements and Salary Cases. In the ABCC Case's application, Ms. Christensen stated that she was contesting "the decision […] of the Secretary-General not to reopen or reconsider the ABCC's decision of 24 July 2004". Ms. Christensen's motion stated that, among other

17. On 18 May 2011, the UNDT in Nairobi issued Order No. 041 (NBI/2011) in which it ordered the consolidation of the Salary Case and the Entitlements Case while finding that the ABCC Case was not receivable stating in part:

> 57. In [Judgment Number 1427 of 30 January 2009] the former UN Administrative Tribunal stated that […] the Secretary-General could still have accepted for consideration [Ms. Christensen's] request for review if she could demonstrate exceptional circumstances. If she demonstrated exceptional circumstances and if the Secretary-General maintained his position, denying her service-incurred status, she would then be free to bring her claim to the Tribunal.
>
> 58. Subsequent to that decision, on 27 February 2009 and 5 June 2009, as per the [Secretary-General]'s submissions, [Ms. Christensen] forwarded a letter requesting the Secretary-General to reopen her case pursuant to art. 9 of Appendix D of the Staff Rules. The Secretary-General did not respond to this request from the Applicant and, accordingly, her case lost its

23. Nevertheless, Ms. Christensen submits that in any event, the Secretary-General still

Ms. Christensen's application for a reconsideration of the Secretary-General's denial to review her ABCC claim and not the MEU's decision that there was no reviewable decision.

36. We find that while the UNDT correctly decided that it could not waive a deadline for the review of a decision taken by the MEU, it erred when it considered that Ms. Christensen's application consisted of a request for the waiver of the time limit with respect to the decision taken in 2004 by the ABCC. Rather, this is a request as to whether her case presented exceptional circumstances that would have warranted the reopening of her case by the Secretary-General.

37. The question of what constitutes exceptional circumstance will vary from case to case,

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