



Case No.: UNDT/GVA/2009/110

Judgment No.: UNDT/2010/028

Date: 12 February 2010

20. Former staff rule 111.2 (f) read:

“An appeal shall not be receivable unless the time limits specified in paragraph (a) above have been met or have been waived, in exceptional circumstances, by the panel constituted for the appeal.”

21. According to the record, ALU replied by letter dated 21 January 2008, which was received by the Applicant on 31 January 2008, as indicated in her statement of appeal. Hence, according to the time limits quoted above the Applicant had until 29 February 2008 to submit her appeal. It is thus clear that the Applicant’s appeal, which was received by the New York JAB on 31 March 2008, was late.

22. In the case at hand, no exceptional circumstances within the meaning of former staff rule 111.2 (f) existed, which may justify a waiver of the time limits for the submission of the statement of appeal to the JAB.

23. The Tribunal applies the definition provided by the former United Nations Administrative Tribunal (UNAT), according to which “exceptional circumstances” for the purpose of former staff rule 111.2 (f) are circumstances which are “beyond the control of the Applicant” (see judgement No. 372, Kayigamba (1986), and, generally, zMFIFT dC [RiBhj,ckfY, r zHckpzKFkpYHYcR’BzkYM, Api Ni Ni

