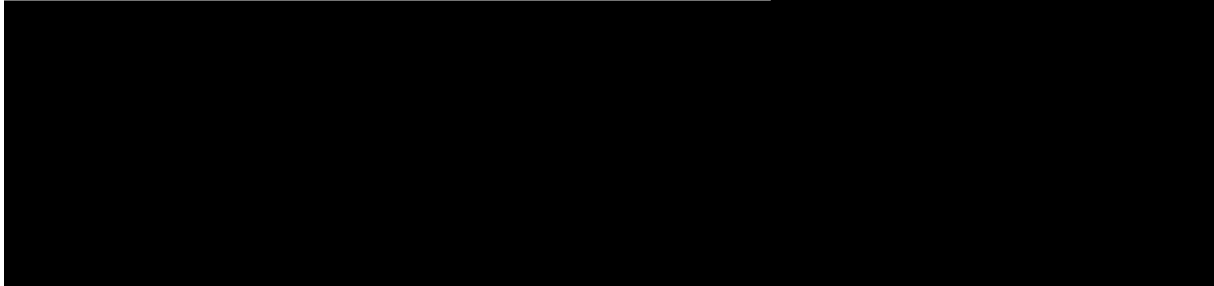


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Case No. 2010-137



**Counsel for Appellant:** Not represented

**Counsel for Respondent:** John Augustin

**THE UNITED NATIONS APPEALS TRIBUNAL**

6. The Agreement between the United Nations and ICAO concluded on 6 January 2010 states, in Article 2(6)

An application shall not be receivable unless the person concerned has previously submitted the dispute to the neutral first instance process provided for in the Staff Regulations of the Organization and the latter has communicated its opinion to the Secretary General, except where the Secretary General and the applicant have agreed to submit the application directly to the Appeals Tribunal.

7. This is the case here. Cherif did not submit the dispute to ICAO's joint appeals body before he appealed to this Court. There is no evidence that ICAO and Cherif agreed on the stipulated facts and thus agreed to submit the appeal directly to the Appeals Tribunal.
8. Since there has been no submission on the receivability of Cherif's appeal, I need the parties to submit briefs on this issue for the benefit of this Court.

**ORDER**

9. The parties are to provide to this Court briefs setting forth their positions as to whether Cherif's appeal as presently submitted is receivable, within 15 calendar days as from the date upon which they receive this Order.

Dated this 19<sup>th</sup> day of January 2011 in Cincinnati, United States.

Original and authoritative version: English

*(Signed)*

Judge Painter, Duty Judge

Entered in the Register on this 19<sup>th</sup> day of January 2011 in New York, United States.

*(Signed)*

Weicheng Lin, Registrar