



**UNITED NATIONS APPEALS TRIBUNAL
TRIBUNAL D'APPEL DES NATIONS UNIES**

Judgment No. 2015-UNAT-504

**Hassan
(Appellant)**

v.

**Commissioner-General
of the United Nations Relief and Works Agency
for Palestine Refugees in the Near East
(Respondent)**

Date: 26 February 2015

Registrar: Weicheng Lin

JUDGE RICHARD LUSSICK, PRESIDING.

1. The United Nations Appeals Tribunal has before it an appeal against Judgment No. UNRWA/DT/2013/020, rendered by the Dispute Tribunal of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA DT or UNRWA Dispute Tribunal, and UNRWA or Agency, respectively) on 22 May 2013 in the case of *Hassan v. Commissioner-General of UNRWA*. Mr. Mohammad Saleem Hassan appealed on 3 February 2014 and the Commissioner-General of UNRWA answered on 26 March 2014.

Facts and Procedure

2.

9. On 22 May 2013, the UNRWA DT issued its judgment in the matter. The UNRWA DT gave a summary judgment on “a matter of law” and rejected the Appellant’s application finding it to be time-barred. The UNRWA DT noted that the Appellant claimed he received notification of the contested decision on 1 February 2011. Accordingly, in order to comply with the 60-day deadline to request decision review as provided in Area Staff Rule 111.2(3), the Appellant should have requested review of the transfer decision by no later than 2 April 2011.

10. Although the Appellant sent several letters to various section heads expressing his discontent with and complaints against reports of non-satisfactory performance in his earlier post, the letters were undated and did not refer to the contested decision. The UNRWA DT did not find these letters constituted a request for decision review of his transfer pursuant to Area Staff Rule 111.2. The UNRWA DT was satisfied that a memorandum dated 9 August 2011 and duly addressed to the DUO/J as required by Area Staff Rule 111.2 constituted the Appellant’s first request for decision review. As such, his request for administrative review was clearly time-barred. The UNRWA DT found that it had no jurisdiction to waive deadlines for administrative review and consequently found the Appellant’s application not receivable *ratione temporis*.

11. The UNRWA DT went on to note that even if the Appellant had filed a timely request for decision review by 2 April 2011, and the Agency did not respond to his request by 2 May 2011, the Appellant would have had until 31 July 2011 to file his application with the UNRWA DT. As he did not file this application until 30 October 2011, it would have been time-barred. The UNRWA Dispute Tribunal dismissed the case.

12. On 3 February 2014, approximately eight and a half months after the UNRWA DT handed down its Judgment, the Appellant filed his appeal with the Appeals Tribunal. On 6 February 2014, the Appellant submitted a copy of the contested UNRWA DT Judgment in Arabic.

13. On 26 March 2014, the Agency filed an answer.

low performance reports, his allegedly arbitrary transfer to another school at a significant distance from his home and past discussions with the Chief Area Officer. Moreover, his past attempts to further complain to the Chief of the Education Programme, the human resources manager, and the director of UNRWA operations were met with no response. By appealing, the Appellant hopes “to find Justice and fair treatment”.

The Agency’s Answer

15. The Agency submits that the Appellant has not indicated any errors on the part of the UNRWA Dispute Tribunal that would require a reversal of its Judgment. The impugned Judgment is, as a matter of law, free of error and consistent with the juh2787e jg Tc.1525 is, a393 -1.7322

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Original and Authoritative Version: English

Dated this 26th day of February 2015 in New York, United States.

(Signed)

Judge Lussick, Presiding

(Signed)

Judge Adinyira

(Signed)

Judge Faherty

Entered in the Register on this 17th day of April 2015 in New York, United States.

(Signed)

Weicheng Lin, Registrar