



Counsel for Mr. Ali: Self-represented

Counsel for Commissioner-General: Rachel Evers

JUDGE DIMITRIOS RAIKOS, PRESIDING.

1. The United Nations Appeals Tribunal (Appeals Tribunal) has before it an appeal against Judgment No. UNRWA/DT/2016/032/Corr.01, 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 10 November 2016, in the case of Ali v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East Mr. Saber Daoud Abd-Alkareem Ali filed the appeal on 9 January 2017, and the Commissioner-Geneal filed an answer on 3 March 2017.

Facts and Procedure

- 2. The following facts are uncontested:1
 - ... On 19 September 1978, the Applicant entered the service of UNRWA as a Teacher "D" in the Amman Area, Jordan, at Grade 6. Following several promotions and upgrades over the years, the Applicant was appointed Area Education Officer, Grade 17, in July 2012. For two years, from August 2012 to August 2014, the Applicant was appointed Officer-in-Charge, Deputy, Education Programme, Jordan.
 - ... On 6 August 2014, the newly created post of Deputy, Chief Field Education Programme, Administration ("D/CFEP/A") was advertised. The deadline for applications was 26 August 2014.
 - ... The Agency received a total of 200 applications, including the Applicant's. All applications were jointly reviewed by the Education Programme and the Human Resources Department for the essential post requirements outlined in the Post Description and Vacancy Announcement. Nine candidates (including the Applicant) were short-listed and invited to [...] take a written test on 6 November 2014. Three candidates (including the Applicant) who scored 50 or above out of 100 were invited to a personal interview.
 - ... On 30 November 2014, an interviewpanel of four members interviewed the three candidates including the Applicant. The panel did not recommend the Applicant for the appointment and unanimously recommended another (internal) candidate for the post.
 - ... Following approvals by the Human Resources Department, the Director of UNRWA Operations, Jordan and the Advisory Committee on Human Resources, the

- 23 March 2015 by the Commissioner-General. On 24 March 2015, the Applicant was notified of the decision not to select him for the post of D/CFEP/A.
- ... On 28 April 2015, the Applicant submitted a request for review of the decision not to select him for the post of D/CFEP/A.
- ... By letter dated 27 May 2015, the Deputy Commissioner-General affirmed the decision.
- ... On 27 August 2015, the Applicate filed his application with the UNRWA Dispute Tribunal The application was transmitted to the Respondent on 31 August 2015.
- ... On 30 September 2015, the Repondent filed his reply.
- ... On 29 September 2016, the [UNRWA Dispute] Tribunal issued Order No. 076 (UNRWA/DT/2016) requesting the parties to produce documentary evidence of the date on which the 27 May 201[5] letter was sent from the Deputy Commissioner-General to the Applicant and the date on which the Applicant received the letter.
- ... On 4 October 2016, the Applicant responded by sending again the Deputy Commissioner-General's letter dated 27 May 2015. He made no comments.
- ... On 18 October 2016, the Respondent responded by submitting a copy of an email from the Special Assistant to the Deputy Commissioner-General to the Applicant, to which she attached the 27 May 2015 response to his request for decision review. The email is dated 28 May 2015.
- 3. On 10 November 2016, the UNRWA DT issued its Judgment dismissing Mr. Ali's application as non-receivable ratione temporis, for not being filed within 90 days of receipt of the response of the Deputy Commissioner-General to his request for decision review.

Submissions

Mr. Ali's Appeal

- 4. Mr. Ali submits that the UNRWA DT erred on ma tters of fact and law when it determined that he had failed to comply with the time limits. Mr. Ali points out that the UNRWA DT Judge raised the issue of receivability, not the Commissioner-General. He insists that his application was timely filed, "within 90 days from 28 May 2015".
- Mr. Ali respectfully requests that the Appeal's Tribunal reverse the impugned Judgment.

6. The Appeals Tribunal notes that Mr. Ali's appeal brief is two pages in length, in which four sentences are dedicated to his legal aguments challenging the impugned Judgment.

The Commissioner-General's Answer

- 7. Mr. Ali has failed to identify the grounds of his appeal; accordingly, his appeal is defective. Mr. Ali's contention that it was an error by the UNRWA DT to raise the issue of receivability sua sponte is without merit. There was no dispute as to the date Mr. Ali received the response (28 May 2015), and there was no error offact or law by the UNRWA DT in dismissing his application on the grounds that it was filed outs ide of the prescribed time-limit, by one day.
- 8. The Commissioner-General respectfully requests that the appeal be dismissed.

Considerations

- 9. Article 8 of the UNRWA DT Statute, encompassed in Area Staff Regulation 11.3, provides that:
 - 1. An application shall be receivable if:

. . .

- (c) An applicant has previously submitted the contested administrative decision for decision review; and
- (d) The application is filed within the following deadlines:

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18. As a result of the foregoing, we are staisfied that the UNRWA Dispute Tribunal properly considered the facts and the applicable statutory law and jurisprudence in arriving at its decision that Mr. Ali's application was not receivable as it was time-barred.

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Judgment

20. The appeal is dismissed and Judgment UNRWA/DT/2016/032/Corr.01 is hereby affirmed.

Original and Authoritative Version: English

Dated this 14th day of July 2017 in Vienna, Austria.

(Signed) (Signed)

Judge Raikos, Presiding Judge Lussick Judge Halfeld

Entered in the Register on this 5th day of September 2017 in New York, United States.

(Signed)

Weicheng Lin, Registrar