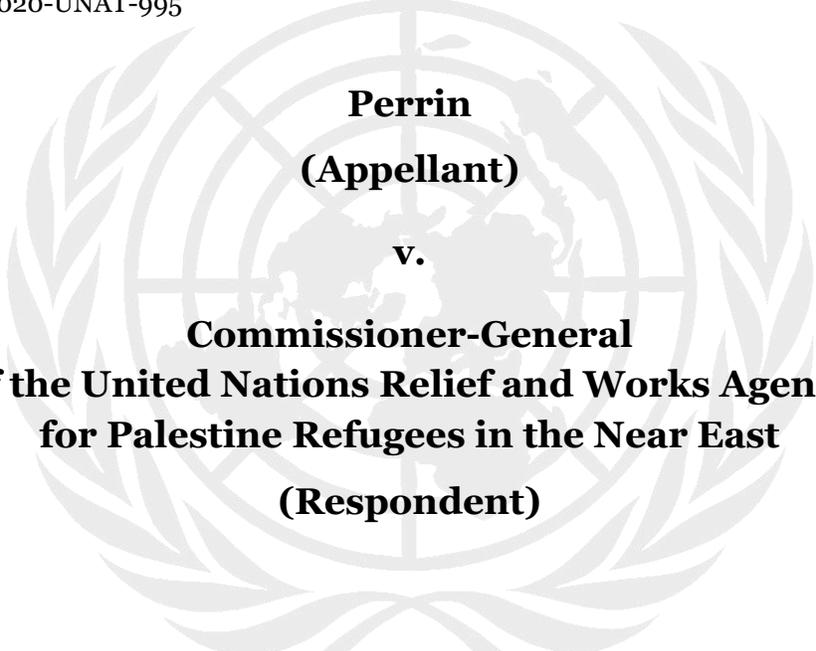




**UNITED NATIONS APPEALS TRIBUNAL  
TRIBUNAL D'APPEL DES NATIONS UNIES**

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Judgment No. 2020-UNAT-995



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

**JUDGMENT**

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Before:	Judge Sabine Knierim, Presiding Judge John Raymond Murphy Judge Kanwaldeep Sandhu
Case No.:	2019-1306
Date:	27 March 2020
Registrar:	Weicheng Lin

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Counsel for Mr. Perrin: Self-represented

Counsel for Commissioner-General: Michael Schoiswohl

**JUDGE SABINE KNIERIM, PRESIDING.**

1. Mr. Mathew Perrin, a former Senior Field Security Officer at the United Nations Relief and Works Agency for Palestine Refugees in the Near East (Agency or UNRWA), filed an application to the UNRWA Dispute Tribunal (UNRWA DT) contesting two decisions: the first not to reassign or short-list him to a P-4 level post and the second not to select him to a P-5 level post. The UNRWA DT issued Judgment No. UNRWA/DT/2019/033,<sup>1</sup> and dismissed his application as not receivable on grounds that he did not timely request a decision review of these decisions. Mr. Perrin appeals to the United Nations Appeals Tribunal (Appeals Tribunal). We dismiss his appeal.

**Facts and Procedure**

2. Mr. Perrin formerly served as a Senior Field Officer on a fixed-term appointment at the P-4 level at UNRWA's Gaza Field Office (GFO). On 17 October 2017, Mr. Perrin sent an e-mail to the Director of Security and Risk Management (D/SRM) expressing interest in a managed reassignment from his GFO post to a new Senior Operations and Training Officer (SOTO) post, Grade P-4, that he had been told would be created at UNRWA Headquarters, Amman (HQA). Mr. Perrin was verbally informed that the Deputy Commissioner-General of UNRWA did not support his request. On 21 November 2017, the Agency advertised the SOTO post. The Agency also advertised the post of Chief of Security Operations and Analysis (CSOA), at the P-5 level, located at HQA. On 27 November 2017, the D/SRM e-mailed Mr. Perrin to confirm that his request for managed reassignment to the SOTO post was declined on the basis that it could not be filled by a reassignment and would instead be advertised for competitive recruitment.

3. Mr. Perrin applied to the vacant SOTO post, but was not short-listed. He also applied to the P-5 CSOA post and was short-listed for a written test. Thereafter, Mr. Perrin and two other candidates were interviewed. On 23 July 2018, the UNRWA Human Resources informed Mr. Perrin that the recruitment for the CSOA post had been cancelled. On 1 September 2018, Mr. Perrin learned in an informal conversation with an UNRWA staff member that a new staff member had joined UNRWA on the SOTO post. On 25 September 2018,

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<sup>1</sup> *Perrin v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. UNRWA/DT/2019/033 dated 27 June 2019 (Impugned Judgment).

he received information that instigated his request for review of the decision not to select him for the CSOA post.

4. On 3 October 2018, Mr. Perrin requested a decision review of the decisions (1) not to reassign him or short-list him for the P-4 SOTO post and (2) not to select him for the P-5 CSOA post. With regard to the CSOA post, he stated:

I applied as an internal candidate for the P5 Chief of Security Operation and Analysis, DSHR, HQ, Amman, on 29 November 2017. I was interviewed for this position on 21 May 2018. I consider that the interview went well, but did not receive any detailed feedback. I received a letter on 23 July 2018 stating the post has been cancelled. I have subsequently been interviewed by an externally appointed investigator reviewing alleged irregularities in the recruitment process. I had heard unsubstantiated rumors during the advertising of this process that senior personnel in UNRWA were seeking to fill this position with a close relative. I request on conclusion of the investigation a full review into this decision to cancel the post. I have the concern that the post was cancelled due to the fact that the candidate favored by UNRWA senior personnel was not successful in the selection process. I request full transparency.

5. Mr. Perrin did not receive a response. On 7 November 2018, Mr. Perrin filed his application with the UNRWA DT.

6. The UNRWA DT dismissed his application as not receivable on grounds that he did not timely file his request for decision review, which International Staff Rule 11.2 required be submitted within 60 days of the notification of the contested decisions. The UNRWA DT held that Mr. Perrin was notified, by e-mail on 27 November 2017, that the Executive Office had declined his request for a managed reassignment to the SOTO post. As to the decision not to short-list him, the recruitment status on the Agency's website had indicated that the post was "filled" starting on 15 April 2018. Mr. Perrin had requested a decision review on 3 October 2018, which was beyond 60 days following these notifications. Consequently, the UNRWA DT held that his application regarding the SOTO post was not receivable. As to the CSOA post, Mr. Perrin was notified of its cancellation on 23 July 2018. His request for decision review of 3 October 2018 was therefore outside of the deadline and likewise was not receivable.

## **Submissions**

### **Mr. Perrin's Appeal**

7. Mr. Perrin does not appeal against the UNRWA DT's decision relating to the P-4 SOTO post. However, with regard to the P-5 CSOA post, Mr. Perrin argues that the UNRWA DT erred on a question of fact that has resulted in a manifestly unreasonable decision. Mr. Perrin asserts that his request for decision review was submitted on time as the start of the time running for filing a decision review should be the date upon which he had learned that there was an investigation launched into the recruitment anomalies of the P-5 recruitment process, namely that the position was cancelled and reopened after corrupt influence by the Chief of Staff to select the Deputy Commissioner-General's partner, an external candidate. Both the Chief of Staff and the Deputy Commissioner-General have recently resigned. The United Nations is failing to provide justice in relation to the corruption at the most senior levels of the Agency. The Appeals Tribunal should hear his case and provide justice. Based on the above, Mr. Perrin requests rescission of the impugned decision and financial compensation for loss of income and career progression.

### **The Commissioner-General's Answer**

8. The Commissioner-General requests the Appeals Tribunal to dismiss the appeal in its entirety. The Commissioner-General argues that the impugned Judgment is free from error and Mr. Perrin has failed to meet his burden to establish an appealable error. Mr. Perrin disputes the deadline for decision review as determined by the UNRWA DT, which was the date on which he learned he was not successful in his recruitment effort, and argues it should be the date he received additional information about his non-selection. The UNRWA DT already considered and rejected this argument. Accordingly, the Commissioner-General submits that there is no legal basis for rescinding the impugned administrative decision and Mr. Perrin has not provided any evidence to support an award by this Tribunal of financial compensation for loss of income and career progression.

## **Considerations**

9. On appeal, Mr. Perrin only challenges the UNRWA DT's finding that his application was not receivable *ratione materiae* with regard to his non-selection for the P-5 CSOA post.

10. The appeal remains without success. We agree with the UNRWA DT that Mr. Perrin's appeal was not receivable *ratione materiae* as he had not timely requested management evaluation. Rule 11. 2 of UNRWA's International Staff Rules provides:

(a) A staff member wishing to formally contest an administrative decision alleging non-compliance with his or her terms of appointment or the contract of employment including all pertinent regulations and rules and all relevant administrative issuances pursuant to Staff Regulation 11.1 (A), shall, as a first step, submit a written request for decision review:

(i) in the case of staff members of Headquarters, to the Director of Human Resources; and

(ii) in the case of staff members of Field Offices, to the UNRWA Field Office Director in charge of the Field Office.

[...]

(c) A staff member shall submit a request for a decision review within 60 calendar days from the date on which the staff member received notification of the administrative decision to be contested.

11. The selection process for the P-5 CSOA post ended with the administrative decision to cancel the recruitment for the post of which Mr. Perrin was notified on 23 July 2018. At this time, it was clear that Mr. Perrin had not been selected for the post. If he wanted to challenge this decision, he was required under the law to file a request for decision review within 60 days, hence by 23 September 2018. His argument that only on 25 September 2018 did he receive information that instigated his request for decision review does not change this result. As we held in *Rahman*,<sup>2</sup> the "argument that the time limit began to run only when [the Appellant] had been provided with a reasonable belief that there were grounds to request management evaluation is contrary to the applicable law". The time limit for a request for decision review starts running with the notification of an administrative decision, in this case the decision to cancel the recruitment process for the CSOA post. Neither the UNRWA Dispute Tribunal nor the Appeals Tribunal may suspend, waive or extend the deadline for decision review.<sup>3</sup>

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<sup>2</sup> *Rahman v. Secretary-General of the United Nations*, Judgment No. 2012-UNAT-260, para. 23.

<sup>3</sup> *Williams v. Secretary General of the International Civil Aviation Organization*, Judgment No. 2013-UNAT-376, paras. 31-32.

12. As to Mr. Perrin's contention that the recruitment process was reopened and another candidate (unlawfully) selected, he does not explain and we cannot see how this would affect the present appeal which concerns only the administrative decision taken in July 2018 to cancel the recruitment process for the P-5 CSOA position. Mr. Perrin's allegations on appeal remain very vague and unspecific. Neither does he tell us when these decisions were taken nor why he thinks that there were "no substantive changes to the role".

**Judgment**

13. The appeal is dismissed and Judgment No. UNRWA/DT/2019/033 is hereby affirmed.

Original and Authoritative Version: English

Dated this 27<sup>th</sup> day of March 2020.

*(Signed)*

Judge Knierim, Presiding  
Hamburg, Germany

*(Signed)*

Judge Murphy  
Cape Town, South Africa

*(Signed)*

Judge Sandhu  
Vancouver, Canada

Entered in the Register on this 19<sup>th</sup> day of June 2020 in New York, United States.

*(Signed)*

Weicheng Lin, Registrar