

2010-UNAT-069, Ibrahim

UNAT Held or UNDT Pronouncements

UNAT considered an appeal centred on the receivability of the appeal to the JAB. The Appellant had sought a waiver of the time limit to appeal before JAB on the basis that his legal counsel was away from Syria for medical treatment for a year. UNAT held that there were no exceptional circumstances to justify the Appellant's 18-month delay in filing his appeal pending either his counsel's return or replacement. UNAT held that the JAB properly considered that there were no exceptional circumstances justifying a waiver of the time limit to file an appeal to the JAB. UNAT dismissed the appeal and affirmed the Commissioner-General's decision to dismiss the appeal to the JAB as time-barred.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to terminate his appointment for serious misconduct against female students. The Commissioner-General of UNRWA, confirming the recommendation of the Joint Appeals Board (JAB), found the appeal not to be receivable *ratione temporis*.

Legal Principle(s)

Exceptional circumstances are required to justify a waiver of the time limit to file an appeal.

Outcome

Appeal dismissed on merits

Outcome Extra Text

No relief ordered; No relief ordered.

Full judgment

[Full judgment](#)

Applicants/Appellants

Ibrahim

Entity

UNRWA

Case Number(s)

2010-047

Tribunal

UNAT

Registry

New York

Date of Judgement

27 Oct 2010

President Judge

Judge Adinyira

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Temporal (*ratione temporis*)

Applicable Law

UNRWA Area Staff Rules

- Rule 111.3(4)