

2011-UNAT-118, Abu-Hawaila

UNAT Held or UNDT Pronouncements

UNAT was not persuaded that UNDT erred in its judgment. UNAT held that, at the time of receipt of his settlement offer, the time limit to file the application to UNDT had already run for approximately three weeks and nothing prevented the Appellant from filing his application or applying for a waiver or extension of the time limit. UNAT held that the exceptional suspension of time limits provided for under Article 8(1) of the UNDT Statute and provisional Staff Rule 11. 1 applied only to informal dispute resolution conducted through the Office of the Ombudsman. UNAT held that the settlement negotiations between the parties did not toll the applicable time limits as the negotiations were not conducted by the Office of the Ombudsman. UNAT held that the power given to UNDT by Article 8(3) of its Statute to suspend or waive any deadlines except those for management evaluation, must be exercised with caution and under the discretion of the Trial Judge. UNAT held that the decision, in this case, was reasonable and there were no grounds for overturning the finding by UNDT that there were no exceptional circumstances justifying a waiver of the time limits in this case. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to separate him from service. UNDT dismissed the application as time-barred.

Legal Principle(s)

Exceptions to time limits and deadlines must be interpreted strictly and are not subject to extension by analogy.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Abu-Hawaila

Entity

WFP

Case Number(s)

2010-113

Tribunal

UNAT

Registry

New York

Date of Judgement

11 Mar 2011

President Judge

Judge Simón

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Temporal (ratione temporis)

Ombudsman / informal resolution

Informal resolution (between parties)

Applicable Law

Staff Rules

- Provisional Rule 11.1

UNAT Statute

- Article 2.5

UNDT Statute

- Article 8.1
- Article 8.2
- Article 8.3

Related Judgments and Orders

UNDT/2010/102