

2013-UNAT-296, Rabee

UNAT Held or UNDT Pronouncements

UNAT held, without examining the merits, that a staff member cannot create a platform to re-open the possibilities of challenging an administrative decision not impugned at the time it was issued for reasons that did not exist at that time. UNAT held that the reconsideration sought by the Appellant was based on the analysis of administrative decisions that had no direct or particular effects on him, but on other staff members. On the allegation that a second decision was taken at a later date, UNAT held that it was nothing more than a consequence of the earlier decision, which had already been implemented and executed by both parties; thus, it was not independent, nor could it recreate for the staff member the right to challenge it through management evaluation or before UNRWA DT. UNAT held that UNRWA DT did not err when it considered that the request for administrative review was time-barred, and the appeal was not receivable due to that reason. UNAT dismissed the appeal and affirmed the UNRWA DT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested his placement on Special Leave Without Pay in order to attend training in the United States. UNRWA DT dismissed his application as not receivable, as he did not request a review of the decision until almost two years later.

Legal Principle(s)

A staff member cannot create a platform to reopen the possibilities of challenging an administrative decision not impugned at the time it was issued for reasons that did not exist at the time.

Outcome

Appeal dismissed on merits

Outcome Extra Text

No relief ordered; No relief ordered.

Full judgment

[Full judgment](#)

Applicants/Appellants

Rabee

Entity

UNRWA

Case Number(s)

2012-328

Tribunal

UNAT

Registry

New York

Date of Judgement

28 Mar 2013

President Judge

Judge Simón

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Temporal (ratione temporis)

Related Judgments and Orders

2012-UNAT-273