

# **2014-UNAT-406, Chahrour**

## **UNAT Held or UNDT Pronouncements**

On the issue of receivability, UNAT held that there was no merit to the Appellant's claim that UNRWA DT had exceeded its competence or jurisdiction in summarily addressing *sua sponte* the issue of the receivability of the application when the Commissioner-General did not raise that issue in his reply. UNAT held that the Appellant's request for review of the contested decision was filed almost a year after he knew of the implied decision and was, therefore, untimely. UNAT rejected the Appellant's contentions against the participation of the Commissioner-General in the proceedings and to file a tardy reply. UNAT dismissed the appeal and affirmed the UNRWA DT judgment.

## **Decision Contested or Judgment/Order Appealed**

The Applicant contested the decision not to appoint him to the post of Registrar at Siblin Vocational Training Center (VTC). UNRWA DT dismissed the application summarily *sua sponte* as not receivable because the Applicant had failed to timely seek administrative review under the former Area Staff Rule 111. 3 prior to filing the application. UNRWA DT gave the Commissioner-General leave to file a tardy reply to the application and to take part in the proceedings.

## **Legal Principle(s)**

The knowledge of the facts – and not the legal consequences flowing from the facts – determines the date from which management evaluation or decision review must be sought.

## **Outcome**

Appeal dismissed on merits

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Chahrour

## Entity

UNRWA

## Case Number(s)

2013-456

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

2 Apr 2014

## President Judge

Judge Chapman

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Temporal (ratione temporis)

## Applicable Law

UNDT Statute

- Article 2.6

UNRWA Area Staff Rules

- Former Rule 111.3
- Rule 111.2
- Rule 111.3

UNRWA DT RoP

UNRWA DT Statute

- Article 8.1(c)
- Article 8.3

## Related Judgments and Orders

2013-UNAT-363

2013-UNAT-369

2012-UNAT-271

2012-UNAT-273

2012-UNAT-260

2013-UNAT-335

2011-UNAT-108

2013-UNAT-304