

2014-UNAT-452, Audeh

UNAT Held or UNDT Pronouncements

UNAT found that the Appellant and her counsel were provided with an adequate opportunity to file an application in a timely manner, but failed to do so, causing her application before UNRWA DT to be non-receivable. UNAT further held that, even if it were to disregard the untimely submission of the application before UNRWA DT, the application would remain non-receivable because the Appellant did not seek in a timely manner the required request for review of the contested administrative decision she intended to overturn. UNAT dismissed the appeal and affirmed the UNRWA DT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to not re-employ her, following her resignation. She also contested her name being removed from a promotion roster, also following her resignation. UNRWA DT dismissed her application, concluding that it lacked jurisdiction as she failed to submit the required request for review of the decision not to reinstate her within 60 days, as required by Area Staff Rule 111. 2. With respect to the substance of the Applicant's contention regarding the roster, UNRWA DT found that she lost any entitlement to be considered as an internal candidate upon her resignation.

Legal Principle(s)

It is the parties' or their counsel's responsibility to be aware of the content of the official communications once they are at their disposal, so as to protect general and personal interests. Parties must be aware of important deadlines and act diligently.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Audeh

Entity

UNRWA

Case Number(s)

2013-522

Tribunal

UNAT

Registry

New York

Date of Judgement

27 Jun 2014

President Judge

Judge Simón

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 111.2