

# 2015-UNAT-606, Hayek

## UNAT Held or UNDT Pronouncements

As a preliminary matter, UNAT found that there were no exceptional circumstances to warrant the granting of the Appellant's motion for leave to file a reply to the Commissioner-General's answer and denied the motion. UNAT held that the UNRWA's findings that the application was not receivable *ratione temporis* because it was filed more than three years after the receipt of the termination decision and that UNRWA DT had no discretion to waive the regulatory time limit of three years, were unassailable. UNAT held that UNRWA DT correctly found that the application was not receivable *ratione materiae*. On the Commissioner-General's request for an award of costs, UNAT held that while the appeal was frivolous, it was not an abuse of process and therefore denied the request for an award of costs. UNAT denied the appeal and affirmed the UNRWA DT judgment.

## Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to terminate his appointment. UNRWA DT dismissed the application as not receivable *ratione materiae* and *ratione temporis*.

## Legal Principle(s)

An application to UNRWA DT is not receivable if it is filed more than three years after the applicant's receipt of the contested administrative decision and UNRWA DT has no discretion to waive this time limit.

## Outcome

Appeal dismissed on merits

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Hayek

## Entity

UNRWA

## Case Number(s)

2015-706

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

30 Oct 2015

## President Judge

Judge Chapman

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Subject matter (ratione materiae)

Temporal (ratione temporis)

## Applicable Law

Other UN issuances (guidelines, policies etc.)

- UNAT Practice Direction No.1

UNAT RoP

- Article 31.1

UNAT Statute

- Article 9.2

UNDT Statute

- Article 8.4

UNRWA Area Staff Regulations

- Regulation 11.3
- Regulation 11.4

UNRWA DT RoP

- Article 3.5

UNRWA DT Statute

- Article 2.5

## Related Judgments and Orders

2015-UNAT-579

2013-UNAT-389

2015-UNAT-558

2015-UNAT-551