

2016-UNAT-664, Al Dawoud

UNAT Held or UNDT Pronouncements

UNAT considered whether UNRWA DT made an error of fact, resulting in an unreasonable decision when it found that the Appellant submitted her request for decision review. UNAT found that the evidence showed that UNRWA DT did not make a factual error when it found that the request for decision review was made on 7 July 2014. UNAT noted that, as the request for decision review was submitted on 7 July 2014, the time for the Appellant to file an application for judicial review expired 120 days thereafter, on 4 November 2014. UNAT found that the Appellant's application for judicial review was not filed until 5 December 2014, which was over one month late. UNAT accordingly held that UNRWA DT correctly concluded that the application was not receivable *ratione temporis*. UNAT dismissed the appeal and affirmed UNRWA DT's judgment.

Decision Contested or Judgment/Order Appealed

UNRWA DT judgment: The Applicant contested the Agency's decision that found her probationary performance to be unsatisfactory and to not confirm her appointment. UNRWA DT dismissed her application as not receivable *ratione temporis*.

Legal Principle(s)

The deadlines for filing applications and appeals, among other things, must be strictly enforced by the Tribunals. Resubmitting a request for decision review cannot, and does not, reset the date decision review is sought or the date from which the limitations period commences to run for filing an application for judicial review. Otherwise, the deadline for filing an application would have no certainty.

Outcome

Appeal dismissed on merits

Outcome Extra Text

No relief ordered; No relief ordered.

Full judgment

[Full judgment](#)

Applicants/Appellants

Al Dawoud

Entity

UNRWA

Case Number(s)

2015-875

Tribunal

UNAT

Registry

New York

Date of Judgement

30 Jun 2016

President Judge

Judge Chapman

Language of Judgment

Arabic

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Temporal (ratione temporis)

Applicable Law

Staff Rules

UNRWA International Staff Rules

- Rule 111.2

UNRWA DT Statute

- Article 8.1(d)(ii)

Related Judgments and Orders

2010-UNAT-067

2015-UNAT-594

2015-UNAT-495

2014-UNAT-406

2016-UNAT-679

2013-UNAT-345

2015-UNAT-552