

2021-UNAT-1126, Ahmad Mustafa et al.

UNAT Held or UNDT Pronouncements

The UNRWA DT did not err when it found that Mustafa et al. had been informed of the impugned decision to deny a request to set their grade level at Grade 14 on 19 March 2018. Neither did it err when it found that the applications were not receivable, because the requests for decision review were submitted after the deadline.

Decision Contested or Judgment/Order Appealed

UNRWA/DT/2020/035, in which UNRWA DT dismissed the applications against decisions to place the applicants on incorrect grades on grounds of receivability.

Legal Principle(s)

The date of an administrative decision is based on objective elements that both parties (Administration and staff member) can accurately determine. Reiteration of an original administrative decision, if repeatedly questioned by a staff member, does not reset the clock with respect to statutory timelines. Rather, the time window commences from the date on which the original decision was made. For this reason, a staff member cannot delay the time for decision review by asking for reconsideration or confirmation of an administrative decision that had been communicated to him or her earlier. Neither can a staff member unilaterally determine the date of an administrative decision.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Ahmad Mustafa et al.

Entity

UNRWA

Case Number(s)

2020-1444

Tribunal

UNAT

Registry

New York

Date of Judgement

25 Jun 2021

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

TEST -Rename- Benefits and entitlements-45

Applicable Law

UNRWA Area Staff Rules

- 111.2(3)b

Related Judgments and Orders

2015-UNAT-557

2010-UNAT-030

2015-UNAT-546

2018-UNAT-857