

2021-UNAT-1176, Mohamed Haider Elhemshawy

UNAT Held or UNDT Pronouncements

UNAT held that there were no errors in the decision of the UNRWA DT that the Appellant's application was irreceivable. UNAT held the Appellant was notified of the decision not to shortlist him by e-mail of 14 November 2019. UNAT held that the Appellant's allegations regarding the abolishment of his post had no legal relevance for the appeal, which dealt only with issues of receivability. UNAT dismissed the appeal and affirmed the UNRWA DT Judgment.

Decision Contested or Judgment/Order Appealed

Mr. Elmenshawy contested the decision not to short-list him for the selection process for a post. UNRWA DT dismissed his application on the grounds that it was not receivable *ratione materiae* as he had failed to file a request for decision review within the time limits, which is a required step prior to submitting an application.

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Legal Principle(s)

There is no explicit requirement for written notification as a prerequisite to contest an administrative decision. The decisive moment of notification for purposes of Staff Rule 11.2(c) is when all relevant facts were known, or ought to have reasonable been known. Staff members are presumed to know the rules applicable to them and it is the staff member's responsibility to ensure that he or she is aware of the applicable procedure in the context of the administration of justice at the UN. New time limits are triggered when the Administration issues a new and fresh administrative decision.

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Outcome

Appeal dismissed on merits

Outcome Extra Text

N/A

Full judgment

[Full judgment](#)

Applicants/Appellants

Mohamed Haider Elhemshawy

Entity
UNRWA
Case Number(s)
2020-1501
Tribunal
UNAT
Registry
New York
Date of Judgement
29 Oct 2021
President Judge
Judge Knierim
Language of Judgment
English
Issuance Type
Judgment
Categories/Subcategories
Administrative decision
Notification
Applicable Law
UNRWA Area Staff Rules

- Rule 111.2
- 111.2(3)b

UNRWA International Staff Rules

- Rule 11.2
- Rule 11.2(c)

UNRWA Personnel Directives

- PD 1/4/Part I/Rev.1

Related Judgments and Orders

2020-UNAT-1019
2017-UNAT-746
2017-UNAT-743
2016-UNAT-704