

2022-UNAT-1244, Reem Khaled Matahen

UNAT Held or UNDT Pronouncements

UNAT considered an appeal by Ms. Matahen. UNAT held that her appeal was defective in that it failed to identify any of the five grounds set out in Article 2(1) of the Statute of the Appeals Tribunal as forming the legal basis of her appeal. With regard to Ms. Matahen's written request for an extension of time to file an application, UNAT held that the UNRWA DT did not err in finding that her allegation that she had only found out on 17 August 2020 that another similar request for Early Voluntary Retirement had been granted by UNRWA, did not constitute an exceptional circumstance, namely, a fact beyond her control, which prevented Ms. Matahen from exercising her right of appeal in a timely manner, such as to justify the granting of her request for a waiver of the time limit by the UNRWA DT. UNAT held that, under the specific circumstances of the case, the two-pronged reasoning of the UNRWA DT that Ms. Matahen's application was not receivable *ratione materiae* because she had not addressed her "request for decision review" to the competent administrative authority, and also because eventually no such request had been filed by her, is unassailable. The appeal was dismissed.

Decision Contested or Judgment/Order Appealed

Ms. Matahen contested the decision of UNRWA not to grant her request for Early Voluntary Retirement. UNRWA DT by its Judgment No. UNRWA/DT/2021/019 dismissed her application as non-receivable *ratione materiae* because she had not submitted a request for decision review, which is a mandatory requirement under Area Staff Rule 111.2 for a staff member to bring his/her case to the Tribunal.

Legal Principle(s)

A party appealing a judgment of the UNRWA DT is unlikely to succeed in having the judgment reversed, modified or the case remanded to the UNRWA DT unless the appeal challenges the impugned judgment on one or more of the grounds referred to in Article 2(1)(a) to (e) of the Statute of the Appeals Tribunal. A staff member wishing to formally contest an administrative decision alleging non-compliance with his or her terms of appointment or the contract of employment, including all pertinent regulations and rules and all relevant administrative issuances shall, as a first step, submit a written request for a decision review. A staff member shall submit a request for decision review within 60 calendar days from the date on which the staff member received notification of the administrative decision to be contested (Area Staff Rule 111.2 (1) and (3)).

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Reem Khaled Matahen

Entity

UNRWA

Case Number(s)

2021-1570

Tribunal

UNAT

Registry

New York

Date of Judgement

25 Jul 2022

President Judge

Judge Raikos

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Subject matter (ratione materiae)

Jurisdiction / receivability (UNDT or first instance)

Applicable Law

UNAT Statute

- Article 2.1

UNRWA DT Statute

- Article 2.1
- Article 8.3

UNRWA Area Staff Rules

- 111.2(3)b

Related Judgments and Orders

2016-UNAT-689