

2023-UNAT-1327, Husein Taha Abu Heija

UNAT Held or UNDT Pronouncements

The UNAT held that in view of the case record, the contested administrative decision was the decision not to reclassify the staff member's post, which was communicated to Appellant in a definitive and unambiguous response on 9 July 2019.

Subsequent letters to the Appellant were only reiterations of that decision. The UNRWA DT was correct to conclude that Appellant failed to submit a timely request for decision review as required prior to filing his application with the UNRWA DT, given that Mr. Abu Heija had not filed his request for decision review until more than a year after receiving the July 2019 decision.

The UNAT dismissed the appeal and affirmed Judgment No. UNRWA/DT/2021/064.

Decision Contested or Judgment/Order Appealed

A staff member contested a decision of the UNRWA concerning the classification of his post under a new occupational health salary scale.

In Judgment No. UNRWA/DT/2021/064, the UNRWA DT concluded that the staff member had failed to submit a timely request for decision review and dismissed the application as not receivable *ratione materiae*.

The staff member appealed.

Legal Principle(s)

An appealable administrative decision is a decision whereby its key characteristic is the capacity to produce direct legal consequences affecting a staff member's terms and conditions of appointment.

It is part of the duties and inherent powers of a Judge to adequately interpret and comprehend the application submitted and to identify what is being contested.

UNAT jurisprudence is clear that the request for decision review provides the Administration with the opportunity to reassess the situation and correct possible mistakes or errors. Neither the UNRWA DT nor the Appeals Tribunal may suspend or waive the deadline for requesting decision review.

A subsequent reiteration or reaffirmation of a previously communicated decision is not a new administrative decision triggering a new time limit for appeal.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Husein Taha Abu Heija

Entity

UNRWA

Case Number(s)

2022-1658

Tribunal
UNAT
Registry
New York
Date of Judgement
19 Apr 2023
President Judge
Judge Gao
Language of Judgment
English
Issuance Type
Judgment
Categories/Subcategories
Definition
Management Evaluation
Subject matter (ratione materiae)
Classification (post)
Administrative decision
Jurisdiction / receivability (UNDT or first instance)
Applicable Law
UNAT Statute

- Article 7

UNRWA Area Staff Rules

- Rule 111.2

UNRWA DT Statute

- Article 2.1(a)
- Article 8

Related Judgments and Orders

2021-UNAT-1102
2019-UNAT-967
2018-UNAT-876
2017-UNAT-765
2022-UNAT-1241
2021-UNAT-1149
2019-UNAT-959