



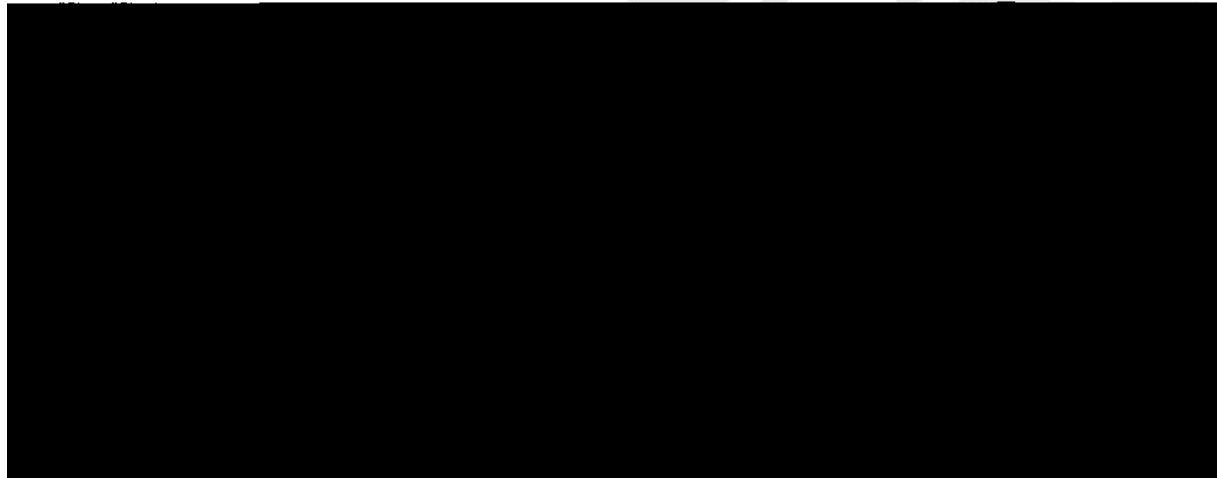
UNITED NATIONS APPEALS TRIBUNAL  
TRIBUNAL D 'APPEL DES NATIONS UNIES

Judgment No. 2015-UNAT-548

Khaleel  
(Appellant)

v.

Commissioner-General  
of the United Nations Re



Counsel for Mr. Khaleel:

Self-represented

Counsel for Commissioner-General:

Lance Bartholomeusz

**THE UNITED NATIONS APPEALS TRIBUNAL**

Judgment No. 2015-UNAT-548

8. On 3 May 2012, the Appellant filed an application with the UNRWA DT, in which he submitted that UNRWA did not consider his medical condition or that he had requested leave, and requested the full amount of his Provident Fund and reinstatement to his prior position.

9. On 5 June 2014, the UNRWA DT issued its Judgment in the matter and dismissed the application. The UNRWA DT found that the Appellant had failed to file a timely request for decision review with the DUO/J in accordance with the time limits prescribed in Area Staff Rule 111.2 and, consequently, his application with the UNRWA DT was not receivable.

### Submissions

#### Mr. Khaleel's Appeal

10. The Appellant contests the UNRWA DT Judgment and the Agency's letter

regulatory framework, being the former UNRWA Area Staff Rules that were in operation at the time of the application<sup>2</sup> and the provisions of the Statute of the UNRWA Dispute Tribunal.

13. Area Staff Rule 111.2 of the former UNRWA Area Staff Rules then in effect provided:

1. 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 pursuant to Staff Regulation 11.1 (A), shall, as a first step, submit a written request for a decision review:

(A) In the case of staff members of Field Offices, to the UNRWA Field Office Director

3. The Dispute Tribunal may decide in writing, upon written request by the applicant, to suspend, waive or extend the deadlines for a limited period of time and only in exceptional cases. The Dispute Tribunal shall not suspend, waive or extend the deadlines for decision review.

15. At paragraph 20 of its Judgment, the UNRWA DT stated:

The Applicant admits that only on 12 March 2012 he sent to the DUO/J for the first time a request for decision review of the decision to separate him from the Agency's service. If he alleges that he previously sent, by mistake, the same request to the Tribunal, no copy of this request is attached to his application. The Tribunal notes that the documents in the file show that in response to an email from the Applicant on 7 November 2011, a Registry staff member informed him that the Registrar was not involved at that stage and that he should direct his letter to the DUO/J. Rather than follow the proper procedures, however, the Applicant proceeded to submit his application to the Tribunal several months later.

16. In view of the factual sequence outlined in the UNRWA DT Judgment, the Appeals Tribunal is satisfied that the rejection of the application as not receivable was correct. Decision review is a mandatory first step in the appeals process. As a matter of fact, Mr. Khaleel did not seek decision review of the decision to separate him until 12 March 2012. Nonetheless, he was aware of the separation decision at least from 29 September 2011, on which date he responded to the sender of the separation letter. We also take into consideration that in response



**THE U**

Original and Authoritative Version: English

Dated this 2<sup>nd</sup> day of July 2015 in Geneva, Switzerland.

*(Signed)*

Judge Faherty, Presiding

*(Signed)*

Judge Lussick

*(Signed)*

Judge Adinyira

Entered in the Register on this 20<sup>th</sup> day of August 2015 in New York, United States.

*(Signed)*

Weicheng Lin, Registrar