



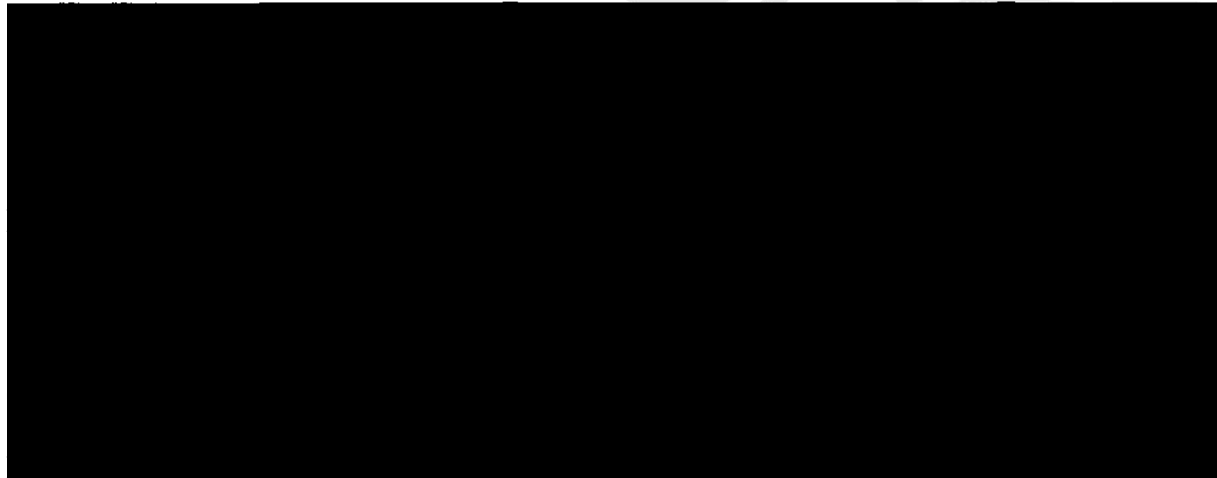
**UNITED NATIONS APPEALS TRIBUNAL
TRIBUNAL D'APPEL DES NATIONS UNIES**

Judgment No. 2015-UNAT-495

**Diab
(Appellant)**

v.

**Commissioner-General
of the United Nations Relief and Works Agency
for Palestine Refugees in the Near East
(Respondent)**



Registrar:

Weicheng Lin

THE UNITED NATIONS A

... By letter dated 11 August 2008 to the FAO, with copies to the CFHP/L and the Director of UNRWA Affairs, Lebanon (“DUA/L”), the Applicant requested review of her medical condition and requested that the Agency form an investigation committee to examine her case. She also stated that her health condition was due to the spraying of insecticide while at work in the Camp, adding that the Agency should bear the cost

Ms. Diab was still time-barred, as she should have appealed to the JAB within thirty days,

8. It is unacceptable for the UNRWA Dispute Tribunal to refuse to examine the merits of her case. She was at the Shatila Camp Health Center on the day of the spraying of the insecticide. The UNRWA Dispute Tribunal failed to call a witness, the sanitation laborer responsible for the spraying, to get his statement, despite her repeated requests. It should be noted that neither the CFHP/L nor the Agency's administration interviewed the laborer in question before they concluded that the Agency was not at fault.

9. It is not clear that the DUA/L's letter of 2 March 2009 contained a final decision, because "though the answer was negative, the Agency still suggested that [she] further seek medical assistance".

10. Ms. Diab requests that the Appeals Tribunal order "[f]ull assessment [of her] health case" and "payment of the medications and all other medical expenses" as well as "compensation for normal damage estimated at 5000 [sic]".

The Agency's Answer

11. The Appellant has not indicated any errors on the part of the UNRWerrDUoy ed5(ern

reset the clock for filing the appeal as the date of filing (10 October 2008) had effectively passed.

14. The Agency requests that this Tribunal reject Ms. Diab's pleas and dismiss her appeal in its entirety.

Considerations

15. Ms. Diab did not file her appeal with the JAB until 9 June 2009, eight months after the expiry of the filing deadline. The UNRWA Dispute Tribunal decided that even assuming 2 March 2009 as the date of the Agency's reply to her request for review, Ms. Diab was still late and therefore time-barred, as she should have appealed to the JAB within thirty days,

22. Ms. Diab did not comply with the filing deadlines either before the UNRWA DT or the Appeals Tribunal. This Tribunal granted Ms. Diab's motion for waiver of time limits for submitting her appeal brief on the grounds of exceptional circumstances but did not accept her 13 January 2015 motion seeking leave to exercise her "exceptional right of intervention in response to" the Agency's 19 December 2014 answer.

23. The appeal brief of 1 August 2013 is a reiteration of Ms. Diab's grievances and in no way contradicts the UNRWA DT findings.

24. The UNRWA DT did not commit any error when it determined that Ms. Diab's application before it was not receivable as it was time-barred.

25. The Appeals Tribunal has repeatedly held that it "has been strictly enforcing, and will continue to strictly enforce, the various time limits".²

Judgment

26. The appeal is dismissed.

² *Mezoui v. Secretary-General of the United Nations*, Judgment No. 2010-UNAT-043, para. 21.

