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

Judgment No. 2023-UNAT-1360



**Moner Ahmed Nasser
(Appellant)**

v.

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

JUDGMENT

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Counsel for Appellant: Self-represented

Counsel for Respondent: Natalie Boucly

JUDGE GAO XIAOLI, PRESIDING.

1. Mr. Moner Ahmed Nasser¹ (Mr. Nasser) contested the decision of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA or Agency) to impose on him the disciplinary measure of separation from service (contested decision).

2. By Summary Judgment No. UNRWA/DT/2022/038² (impugned Judgment), the Dispute Tribunal of UNRWA (UNRWA DT or UNRWA Dispute Tribunal) concluded that Mr. Nasser filed his application with the UNRWA DT more than three years after his receipt of the contested decision and therefore rejected his application as not receivable *ratione temporis* pursuant to Article 8(4) of the UNRWA Dispute Tribunal Statute.

3. Mr. Nasser lodged an appeal o7 (r E)-7.3 (a)6.7 (cTw 1T5 1)1.7 (.)3cla4734 0 Td[(co)-1.7 (n)6.8 a

7. By letter dated 3 November 2009, the Officer-in-Charge of UNRWA Operations in Gaza informed Mr. Nasser that it had been established that he had committed serious misconduct in respect of which the disciplinary measure of separation from service with compensation in lieu of notice was imposed pursuant to UNRWA Area Staff Regulations 9.1 and 9.3.⁵

8. On 12 June 2022, Mr. Nasser requested a decision review of the decision of the Officer-in-Charge of UNRWA Operations in Gaza to impose on him the disciplinary measure of separation from service.

9. The Agency did not inform Mr. Nasser of the outcome of the decision review.⁶

10. On 12 August 2022, Mr. Nasser filed an application with the UNRWA Dispute Tribunal contesting the decision to impose on him the disciplinary measure of separation from service.

Impugned Judgment

11. On 22 August 2022, the UNRWA Dispute Tribunal issued the impugned Judgment by way of summary judgment pursuant to Article 5 of the UNRWA Dispute Tribunal Rules of Procedure.⁷ It concluded that Mr. Nasser was informed of the contested decision on 3 November 2009 and filed his application with the UNRWA Dispute Tribunal on 12 August 2022. Therefore, it rejected his application as not receivable *ratione temporis* pursuant to Article 8(4) of the UNRWA DT Statute because he filed it more than three years after his receipt of the contested decision.⁸

Procedures before the Appeals Tribunal

12. On 14 October 2022, Mr. Nasser filed an appeal of the impugned Judgment with the Appeals Tribunal, to which the Commissioner-General responded on 16 December 2022.

⁵ Letter of termination of appointment of 3 November 2009.

⁶ The Agency, on behalf of the Deputy Commissioner-General of UNRWA, wrote two e-mails to Mr. Nasser following his request for a decision review. In a first e-mail, the Agency acknowledged receipt of his request for a decision review. In a second e-mail, the Agency informed Mr. Nasser that the Agency had not yet received a response from the Officer-in-Charge of UNRWA Operations in Gaza regarding the request for a decision review.

13. On 4 January 2023, Mr. Nasser filed a motion requesting permission to file additional pleadings, to which the Commissioner-General did not respond.

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25. The Commissioner-General argues that Mr. Nasser failed to identify reversible errors and that the UNRWA Dispute Tribunal did not err on a question of fact, as a matter of law or in procedure in dismissing his application as not receivable *ratione temporis*.

26. Finally, the Commissioner-General submits that the reliefs sought by Mr. Nasser have no legal basis and requests that the Appeals Tribunal dismisses the appeal.

Mr. Nasser's Motion to file additional pleadings

27. In his Motion to file additional pleadings, Mr. Nasser contends that the e-mail of the Agency of 12 July 2022 is an element that was annexed to his application and thus put forward before the UNRWA DT.

Considerations

Motion to file additional pleadings

28. We have considered Mr. Nasser's Motion requesting permission to file additional pleadings and, in accordance with Article 31(1) of the Appeals Tribunal Rules of Procedure and Section II.A.3 of Practice Direction No. 1 of the Appeals Tribunal, we reject it since these additional pleadings are of no consequences to the outcome of the present case. Indeed, we find that even if the additional pleadings were to be admitted, they could not assist Mr. Nasser as he wishes, and his appeal would still fail.

30. Article 8 of the UNRWA DT Statute provides:

...

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.

4. Notwithstanding paragraph 3 of the present article, an application shall not be receivable if it is filed more than three years after the applicant's receipt of the contested administrative decision.

31. With regard to the time limits for filing applications, Article 3 of the UNRWA DT Rules of Procedure establishes:

...

5. In accordance with Article 8.4 of the Statute of the Dispute Tribunal, no application shall be receivable if filed more than three years after the Applicant's receipt of the contested administrative decision.

32. Mr. Na n IJ/TT3 4 79.2017 r7 (e)-7 m0.w 1.946sTT1 1 Tf-0.e795]TJ0 Tc 0 Tw (h)2.7 (33 Tw -2.0 Td(7o12

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Judgment

44. Mr. Nasser's appeal is dismissed, and Judgment No. UNRWA/DT/2022/038 is hereby affirmed.

Original and Authoritative Version: English

Decision dated this 30th day of June 2023 in New York, United States.

(Signed)

Judge Xiaoli, Presiding

(Signed)

Judge Sandhu

(Signed)

Judge Colgan

Judgment published and entered into the Register on this 24th day of July 2023 in New York, United States.

(Signed)

Juliet Johnson, Registrar