



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

Judgment No. 2015-UNAT-543

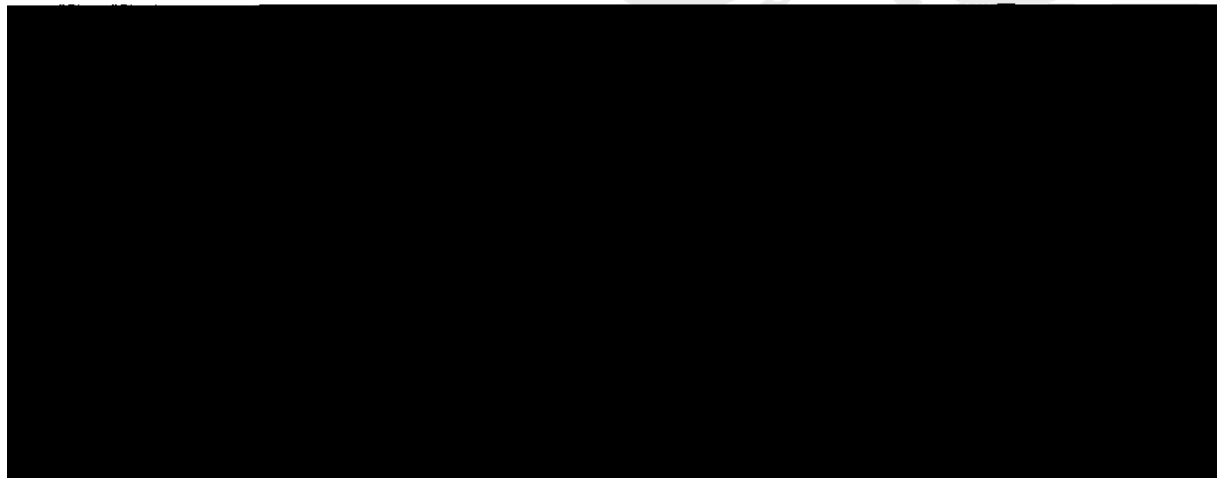
**Abu Ayyash
(Appellant)**

v.

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

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Counsel for Mr. Abu Ayyash:

Self-represented

Counsel for Commissioner-General:

Lance Bartholomeusz

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9. On 30 December 2011, the Appellant e-mailed the Officer-in-Charge of UNRWA Operations setting out the facts of his case and again requesting that his matter be followed up. As at the date of his appeal in June 2014, he claims he had still received no answer.

10. On 4 January 2012, the Appellant filed an application with the UNRWA Dispute Tribunal challenging the miscalculation of his benefits and seeking payment of USD 4,816.03.

11. On 14 May 2014, the UNRWA Dispute Tribunal rendered its Judgment. The UNRWA DT held that the Appellant's challenge was not receivable as it did not challenge a discretionary administrative decision that breached the terms of his appointment, but rather the rule providing for the manner in which separation benefits would be calculated. The UNRWA DT also found that the Appellant's application was time-barred insofar as he filed his application for review two and a half years after the permissible filing deadline provided in1 Tfa.02 39s St0 TDOi(d an ap)]TJ19.

THE UNITED NATIONS APPEALS TRIBUNAL

Appellant's remaining benefits. As we held in Hamad , this was not a unilateral decision taken by the UNRWA Administration in a precise individual case but was of general application to all separating participants.² The UNRWA DT also correctly held that the publication of interest rates pursuant to Area Staff Rule 106.1(16)(ii) is also not a unilateral decision, but one of general application. The Appellant has not established any error by the UNRWA Dispute Tribunal in this regard.

18. We are of the view that the UNRWA DT also correctly found that the Appellant's application was time-barred in so far as his application for review was made two and a half years after the permissible filing deadline provided in Area Staff Rule 111.3, and that he had failed to demonstrate that any exceptional circumstances existed that may have prevented him from filing his application on time.

19. In this respect, the Appellant submitted that while he expected to receive a delayed response from UNRWA, he did not expect that they would altogether not reply to him. We recall our jurisprudence to the effect that ignorance of the Staff Rules and procedures related to the filings of applications cannot be invoked as an excuse for failing to comply with deadlines.³ It follows that the UNRWA Dispute Tribunal did not err when it dismissed the Appellant's application on the basis that it was time-barred.

20. As a result of the foregoing, we are satisfied that the UNRWA Dispute Tribunal properly considered the facts and the applicable statutory law and jurisprudence in arriving at its decision that the Appellant's application was not receivable.

Judgment

21. The appeal is dismissed and the Judgment of the UNRWA Dispute Tribunal is affirmed.

² See Hamad v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, Judgment No. 2012-UNAT-269.

³ Amany v. Secretary-General of the United Nations , Judgment No. 2015-UNAT-521, citing Kissila v. Secretary-General of the United Nations , Judgment No. 2014-UNAT-470, para. 24, and cites therein.

Original and Authoritative Version: English

Dated this 2nd day of July 2015 in Geneva, Switzerland.

(Signed)

Judge Thomas-Felix,
Presiding

(Signed)

Judge Chapman

(Signed)

Judge Weinberg de Roca

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

(Signed)

Weicheng Lin, Registrar