
APPEALS TRIBUNAL
TRIBUNAL D 'APPEL DES NATIONS UNIES

Chaaban
(Appellant)

v.

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

Date: 17 October 2013

Registrar: Weicheng Lin

1. The United Nations Appeals Tribunal (Appeals Tribunal) has before it an appeal filed by Mr. Houssam Mustapha Chaaban against Judgment No. UNRWA/D T/2012/038/Corr.01, issued by the Dispute Tribunal of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA DT and UNRWA or Agency, respectively) on 21 August 2012 in the case of Chaaban v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East. Mr. Chaaban appealed on 15 November 2012 and the Commissioner-General of UNRWA (Commissioner-General) answered on 11 February 2013.

Facts and Procedure

2. Mr. Chaaban is a former staff member of UNRWA. He joined the Agency on 19 July 2005 as an Information Systems Technical Assistant for the Palestinian Refugees Records Project, grade 12. On 16 November 2006, he was promoted to the post of Scanning Team Supervisor, grade 14. Mr. Chaaban was separated from the Organization upon closure of the project on 28 February 2009.

3. Prior to his separation, Mr. Chaaban applied for two posts with UNRWA. By letter dated 28 January 2009 to the Director of UNRWA Affairs, Lebanon, Mr. Chaaban requested administrative review of the decision not to invite him for tests in connection with either post.

4. By letter dated 16 March 2009, the Director of UNRWA Affairs, Lebanon, provided reasons for not shortlisting Mr. Chaaban for either post. Mr. Chaaban appealed the decision to the former Area Joint Appeals Board (AJAB) on 2 April 2009. As of 1 July 2009, the AJAB was abolished and Mr. Chaaban's appeal was transferred to the UNRWA DT.

5. On 21 August 2012, the UNRWA DT issued Judgment No. UNRWA/DT/2012/038/Corr.01. The UNRWA DT recalled that, pursuant to Area Staff Rule 111.3, Mr. Chaaban had "30 days from the date of the receipt of a reply from the UNRWA Field Office Director, or if no reply has been received from the latter within thirty days of the date of the staff member's letter, then within the next thirty days". In the absence of a reply by the Commissioner-General within 30 days from Mr. Chaaban's letter, the time limit for filing an appeal with the AJAB expired 60 days from the filing of Mr. Chaaban's request for administrative review, i.e. 29 March 2009. Since Mr. Chaaban's

appeal was filed on 2 April 2009, the UNRWA DT concluded that the appeal was time-barred and rejected it as such. The UNRWA DT considered that, given the transition between the former and the current internal justice system, it would be “in the interest of justice to allow the Respondent an extension of time to file his reply by 18 August 2012”.¹

Submissions

The Commissioner-G

16. Mr. Chaaban filed his application after the time limit had lapsed. He did not ask for a waiver of time before the UNRWA DT or present arguments for the UNRWA DT's consideration of a waiver of time. The UNRWA DT therefore did not err in finding his application time-barred.

17. We are now turning to Mr. Chaaban's contention that the UNRWA DT erred in granting the Commissioner-General leave to participate in the proceedings on the basis of "transitional measures". Mr. Chaaban in particular argues that the UNRWA DT erred in

20. We therefore find that the UNRWA DT erred in granting a waiver of time and accepting the Commissioner-General's late reply. In the present case, however, the submission of the Respondent's late reply was not prejudicial to Mr. Chaaban since his appeal to the former AJAB was time-barred in the first place.

21. For the foregoing reasons, Mr. Chaaban's appeal fails.

Judgment

22. The appeal is dismissed and the UNRWA DT Judgment is affirmed.

THE UNITED NATIONS