



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

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Judgment No. 2013-UNAT-308

**Romman  
(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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Before:	Judge Inés Weinberg de Roca, Presiding Judge Sophia Adinyira Judge Richard Lussick
Case No.:	2012-341
Date of Judgment:	28 March 2013
Registrar:	Weicheng Lin

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Counsel for Appellant:	Self-Represented
Counsel for Respondent:	Anna Segall

1. The United Nations Appeals Tribunal (Appeals Tribunal) has before it an appeal filed by Mr. Mohammad Faeg Romman against the decision of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (Commissioner-General and UNRWA, respectively) to censure and demote him to the post of Teacher.

### **Facts and Procedure**

2. Mr. Romman joined UNRWA on 1 September 1991 as an Area staff member on a temporary indefinite appointment as a Teacher at the grade 6, step 1, level. At the time of the events giving rise to the present appeal, he served as a Head Teacher at the grade 10, step 11, level.

3. Following complaints from three students accusing Mr. Romman of corporal punishment, a Fact-Finding Committee (FFC) which comprised of school supervisors and counselors was established to investigate the complaints.

4. On 8 July 2007, the Chief, Field Education Program, Jordan, (CFEP/J) notified the Field Personnel Officer, Jordan, (FPO/J) of the FFC's findings that Mr. Romman had beaten the students as stated in their complaints. The CFEP/J recommended that Mr. Romman be served with a letter of censure.

5. On 25 July 2007, the FPO/J conveyed to Mr. Romman the decision to censure him and to suspend him from duty without pay for three days.

6. On 31 July 2007, the CFEP/J reported to the FPO/J the findings of another FFC that Mr. Romman had asked a student to absent himself and asked the student's teacher to mark the student as present despite his absence and, furthermore, that Mr. Romman had promised that student the granting of a pass certificate at the end of the school year. The CFEP/J recommended that Mr. Romman be demoted to the post of Teacher.

7. By letter dated 16 August 2007, the Officer-in-Charge, UNRWA Operations, Jordan, censured Mr. Romman and demoted him to the post of Teacher.

8. Mr. Romman appealed, first requesting administrative review of the decision to censure and demote him, and then filing with the Area Staff Joint Appeals Board (AJAB). In its report dated 4 January 2009, the AJAB unanimously concluded that the facts upon which the 16 August 2007 decision of censure and demotion was based were not properly established and unanimously recommended that the decision be reviewed with a view to its rescission. In respect of the 25 July 2007 decision of censure and three-day suspension from duty without pay, the AJAB majority found that decision was well founded. The AJAB minority, on the other hand, considered that the 25 July 2007 decision was disproportionate to the purported misconduct and should be rescinded. By letter dated 11 December 2009, the Commissioner-General informed Mr. Romman that both the 25 July 2007 decision and the 16 August 2007 decision would be maintained.

9. On 8 September 2010, the Chief of the General Legal Division, UNRWA, asked the FPO/J to transmit a letter to Mr. Romman advising him that he should file an appeal against the Commissioner-General's decision with the Appeals Tribunal within 90 days of receipt of the letter, if he wished to do so. Mr. Romman received the letter on 21 September 2010.

10. Mr. Romman filed an incomplete appeal against the Commissioner-General's decision on 28 January 2011 and submitted a completed appeal on 4 July 2012. The Commissioner-General answered on 10 September 2012.<sup>1</sup>

### **Submissions**

#### **Mr. Romman's Appeal**

11. Mr. Romman contests the facts upon which the impugned decisions were based. He submits that the procedures followed to establish the facts were flawed. In particular, witnesses were not objectively selected, witnesses were unduly influenced and gave untruthful testimonies. Mr. Romman also submits that, in his absence, the director of education took from his office documents relating to one of the students in question.

12. Mr. Romman points out that the AJAB "decided" his case and that the Commissioner-General should have adopted the AJAB's conclusion.

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<sup>1</sup> The appeal was sent to the Respondent on 12 July 2012 due to delays in the filing of the completed appeal.

13. Mr. Romman requests that he be reinstated as a Head Teacher and that he receive pecuniary and non-pecuniary damages.

**Commissioner-General's Answer**

14. The Commissioner-General submits that the appeal is time-barred and requests that the Appeals Tribunal reject it in its entirety. Under the Special Agreement between the United Nations and UNRWA, Mr. Romman had 90 days to file his appeal from the date of receipt of the letter notifying him of the Commissioner-General's decision. Mr. Romman was notified of the transitional provision under the Special Agreement by letter dated 8 September 2010, which he received on 21 September 2010.

15. Mr. Romman's appeal was due on 20 December 2010; 90 days from 21 September 2010. Mr. Romman only filed his appeal on 28 January 2011. Mr. Romman's appeal is, therefore, not receivable.

**Considerations**

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

17. In the instant case, a recommendation was made by the JAB prior to the establishment of the UNRWA Dispute Tribunal and the decision made by the Commissioner-General was notified to Mr. Romman on 11 December 2009. On 21 September 2010, Mr. Romman received a letter from the FPO/J advising him that he should file an appeal against the Commissioner-General's decision with the United Nations Appeals Tribunal within 90 days of the receipt of the letter, if he wished to do so.

18. Mr. Romman's appeal was, therefore, due on 20 December 2010. However, Mr. Romman filed his appeal on 28 January 2011, after the 90-day time limit had elapsed. Absent a request for waiver or extension of the time limits as well as any factors that would qualify as exceptional circumstances, Mr. Romman's appeal is time-barred.

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<sup>2</sup> *Mezoui v. Secretary-General of the United Nations*, Judgment No. 2010-UNAT-043, at para. 21; see also *Ibrahim v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. 2010-UNAT-069; *Harding v. Secretary-General of the United Nations*, Order No. 44 (2011); *Meron v. Secretary-General of the United Nations*, Order No. 42 (2011); and *Islam v. Secretary-General of the United Nations*, Order No. 7 (2010).

**Judgment**

19. The appeal is not receivable.

Original and Authoritative Version: English

Dated this 28<sup>th</sup> day of March 2013 in New York, United States.

*(Signed)*

Judge Weinberg de Roca,  
Presiding

*(Signed)*

Judge Adinyira

*(Signed)*

Judge Lussick

Entered in the Register on this 24<sup>th</sup> day of May 2013 in New York.

*(Signed)*

Weicheng Lin, Registrar