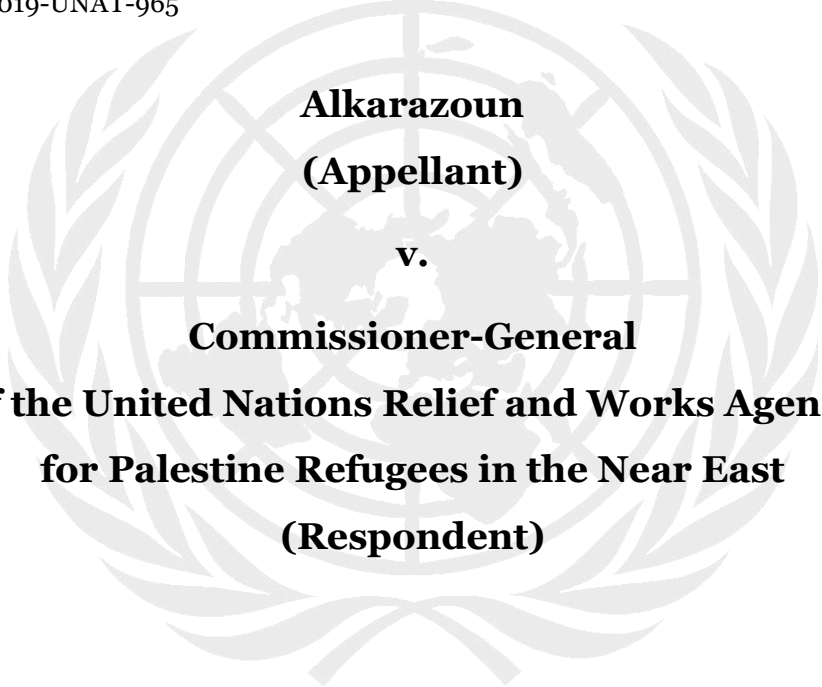




**UNITED NATIONS APPEALS TRIBUNAL  
TRIBUNAL D'APPEL DES NATIONS UNIES**

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Judgment No. 2019-UNAT-965



**Alkarazoun  
(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 Jean-François Neven, Presiding Judge Dimitrios Raikos Judge Graeme Colgan
Case No.:	2019-1264
Date:	25 October 2019
Registrar:	Weicheng Lin

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Counsel for Ms. Alkarazoun: Self-represented

Counsel for Commissioner-General: Michael Schoiswohl

*Reissued for technical reasons on 27 January 2020*

**JUDGE JEAN-FRANÇOIS NEVEN, PRESIDING.**

1. This case arose out of Ms. Ghada Abdelmajid Alkarazoun's<sup>1</sup> request for promotion which was denied by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA or Agency). The UNRWA Dispute Tribunal (or UNRWA DT) issued Judgment No. UNRWA/DT/2019/O11, dismissing her application as not receivable *ratione materiae* and *ratione temporis*. We affirm UNRWA/DT/2019/O11.

**Facts and Procedure**

2. The following facts are uncontested:<sup>2</sup>

... Effective 2 November 2003, the Applicant was employed by the Agency on a fixed-term appointment, Level 6B, Step 1, as Teacher at Ruseifeh Preparatory Girls School No. 4, Jordan Field Office ("JFO").

... Effective 3 November 2013, the Applicant's appointment was converted to a temporary indefinite appointment. At the time material to the present application, the Applicant held the post of Assistant Professor, Grade 12, Step 8, at the Faculty of Educational Sciences & Arts ("FESA").

... By emails to the Director of UNRWA Operations, JFO ("DUO/J") dated 24 October 2016 and 3 November 2016, the Applicant requested to be promoted to Grade 14, and to be paid corresponding allowances.

... By letter to the Applicant dated 4 January 2017, the Head, Field Human Resources Office, Jordan, ("H/FHRO/J") denied the Applicant's request.

... By letter dated 16 January 2017, the Applicant responded to the H/FHRO/J with respect to the decision denying her request to be promoted to Grade 14.

... By letter to the Applicant dated 17 January 2017, the H/FHRO/J reiterated that the decision dated 4 January 2017, was the final decision concerning her case and reminded the Applicant about her right to request review of the decision and later to submit her application to the UNRWA Dispute Tribunal (the "Tribunal").

... By letter to the DUO/J dated 22 February 2017, the Applicant requested the DUO/J to review the H/FHRO/J's response to her request to be promoted to Grade 14, and to be paid corresponding allowances.

... The DUO/J did not respond to the Applicant's request for review.

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<sup>1</sup> The Appeals Tribunal adopts the spelling of the Appellant's name as "Alkarazoun" as presented in the appeal, though we note that the UNRWA Dispute Tribunal Judgment adopted the spelling "Karazoun" as the Appellant's name.

<sup>2</sup> Impugned Judgment, paras. 2-13.

... The Applicant continued to pursue her request in a meeting with the Director of Human Resources (“DHR”) on 20 July 2017. In an email dated 3 November 2017, the DHR confirmed that the decision taken by the DUO/J would not be changed.

... On 14 January 2018, the Applicant submitted a request for decision review to the DUO/J.

... On 30 June 2018, the present application was filed with the Tribunal. The application was transmitted to the Respondent on 12 July 2018.

... On 10 August 2018, the Respondent filed his reply. The reply was transmitted to the Applicant on 12 August 2018.

3. The UNRWA DT dismissed Ms. Alkarazoun’s application as not receivable *ratione materiae* on grounds that her application failed to articulate a contested administrative decision. The UNRWA DT, assuming *arguendo* that the contested administrative decision was that of the H/FHRO/J’s decision dated 4 January 2017, and further assuming that she had timely requested review of that decision, found that her application had been filed more than a year after the deadline, rendering her application not receivable *ratione temporis*. The UNRWA DT also assumed *arguendo* that the contested decision was that of the DHR’s e-mail of 3 November 2017 and found that her request for decision review on 14 January 2018 had been requested more than 60 days past the date of the decision, which rendered her application to the UNRWA Dispute Tribunal not receivable *ratione materiae*. Her deadline would have been 14 May 2018, but she filed the application in June of 2018, which rendered her application not receivable *ratione temporis*.

4. As the UNRWA DT Judgment was rendered on 24 February 2019, Ms. Alkarazoun’s deadline to file an appeal pursuant to Article 7(1) of the Appeals Tribunal’s Statute was 25 April 2019. Approximately one month later, on 23 May 2019, Ms. Alkarazoun filed a request for suspension, waiver or extension of the time limit to file an appeal. By way of Order No. 346, dated 20 June 2019, the Appeals Tribunal granted Ms. Alkarazoun an extension to file her appeal by 5 July 2019.

5. Ms. Alkarazoun filed an appeal on 4 July 2019 pursuant to Order No. 346 (2019), and the Commissioner-General filed his answer on 6 September 2019.

## **Submissions**

### **Ms. Alkarazoun's Appeal**

6. Ms. Alkarazoun's asserts that human resources did not inform her of the timeline to bring an application to the UNRWA DT and that the lawyers at UNRWA misled her. The remainder of her arguments addresses the merits relating to her request to the Agency that she be upgraded from an Assistant Professor grade 12 to grade 14. Her appeal also sets forth allegations of corruption and dishonesty on the part of human resources, other personnel, and legal advisors.

### **The Commissioner-General's Answer**

7. The Commissioner-General requests the Appeals Tribunal to dismiss the appeal in its entirety as the UNRWA DT did not err in dismissing the application as not receivable. Ms. Alkarazoun has failed to meet her burden to establish an error in the judgment as she has not even alleged nor identified any errors. Her appeal does not address receivability but sets for a series of general complaints seemingly related to the merits of her case. Given the lack of pleas related to receivability resulting in her failure to meet the burden of showing the impugned Judgment is defective, the appeal should be dismissed.

## **Considerations**

8. The staff members of UNRWA have access to a two-tiered formal system of administration of justice in which:<sup>3</sup>

The UNRWA Dispute Tribunal shall, under conditions prescribed in its Statute and Rules of Procedure, which are set out in Staff Regulations 11.4 and 11.5, hear and render judgment on an application from a staff member:

- (i) to appeal an administrative decision that is alleged to be in non-compliance with his or her terms of appointment or contract of employment, including all pertinent regulations and rules and all relevant administrative issuances;
- (ii) to appeal an administrative decision imposing a disciplinary measure.

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<sup>3</sup> UNRWA Area Staff Regulations, Regulation 11.1.

The United Nations Appeals Tribunal shall, under conditions prescribed in its Statute and Rules of Procedure, exercise appellate jurisdiction over an appeal of a judgement rendered by the UNRWA Dispute Tribunal submitted by either party.

9. Access to the system of administration of justice requires respect for different forms and time limits. A staff member wishing to formally contest an administrative decision alleging non-compliance with his or her terms of appointment or the contract of employment, including all pertinent regulations and rules and all relevant administrative issuances pursuant to Staff Regulation 11.1(A), shall, as a first step, submit a written request for a decision review within 60 calendar days from the date on which the staff member received notification of the administrative decision to be contested.<sup>4</sup>

10. An application may be filed with the UNRWA Dispute Tribunal within the following time limits:<sup>5</sup>

(i) Within 90 calendar days of the applicant's receipt of the response by management to his or her submission; or

(ii) Within 90 calendar days of the expiry of the relevant response period for the decision review if no response to the request was provided. The response period shall be 30 calendar days after the submission of the decision to decision review.

11. The UNRWA DT dismissed Ms. Alkarazoun's application as not receivable *ratione materiae* as her application had not articulated a contested administrative decision.

12. Additionally, the UNRWA DT, assuming *arguendo* that the contested administrative decision was that of the H/FHRO/J's dated 4 January 2017 and assuming she had timely requested review of that decision by letter to the DUO/J dated 22 February 2017, found that her application before the UNRWA DT had been filed more than 120 days after this request, rendering her application not receivable *ratione temporis*.

13. The UNRWA DT also assumed *arguendo* that the contested decision was set forth in the DHR's e-mail of 3 November 2017 and found that her request for decision review on 14 January 2018 had been requested more than 60 days past the date of the decision, which rendered her application not receivable *ratione materiae*. Furthermore, the UNRWA DT

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<sup>4</sup> UNRWA Area Staff Rules 111.2.

<sup>5</sup> Article 8(d) of the UNRWA DT Statute.

assumed her application deadline would have been 14 May 2018, but she had filed the application in June of 2018, which rendered her application not receivable *ratione temporis*.

14. In accordance with Article 2(1) of the Special Agreement between the United Nations and the Agency, the Appeals Tribunal shall only have jurisdiction over an appeal alleging that the UNRWA Dispute Tribunal:

- a) Exceeded its jurisdiction or competence;
- b) Failed to exercise jurisdiction vested in it;
- c) Erred on a question of law;
- d) Committed an error in procedure, such as to affect the decision of the case; or
- e) Erred on a question of fact, resulting in a manifestly unreasonable decision.

15. The Appellant has the burden on appeal to establish that the UNDT judgment is defective within the meaning of Article 2(1) of the UN-UNRWA Special Agreement. As we stated in *Aliko*, this means that:<sup>6</sup>

the appellant must identify the alleged defects in the judgment and state the grounds relied upon in asserting that the judgment is defective. It is not sufficient for an appellant to state that he or she disagrees with the outcome of the case or repeat the arguments submitted before the Dispute Tribunal.

16. In her appeal brief, the Appellant puts forward a number of general complaints related to the alleged merits of her case but does not argue that the impugned Judgment is defective and the UNRWA DT has committed an error in deciding that her application was non receivable.

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<sup>6</sup> *Aliko v. Secretary-General of the United Nations*, Judgment No. 2015-UNAT-540, para. 28.

**Judgment**

17. The appeal is dismissed in its entirety and Judgment No. UNRWA/DT/2019/011 is hereby affirmed.

Original and Authoritative Version: English

Dated this 25<sup>th</sup> day of October 2019 in New York, United States.

*(Signed)*

Judge Neven, Presiding

*(Signed)*

Judge Raikos

*(Signed)*

Judge Colgan

Entered in the Register on this 20<sup>th</sup> day of December 2019 in New York, United States.

*(Signed)*

Weicheng Lin, Registrar