Ghazal Ozairi (Appellant)

 \mathbf{v}_{\bullet}

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

JUDGMENT

Before: Judge Graeme Colgan

Judge Katharine Mary Savage

Judge Gao Xiaoli

Case No.: 2024-1943

Date of Decision: 27 June 2025

Date of Publication: 8 July 2025

Registrar: Juliet E. Johnson

Counsel for Appellant: Self-represented

Counsel for Respondent: Stephen Margetts

JUDGE GRAEME COLGAN, PRESIDING.

- 1. Ghazal Ozairi, a former staff member of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA or Agency), contested before the Dispute Tribunal of UNRWA (UNRWA DT or UNRWA Dispute Tribunal) the decision of the Agency to separate her from service upon the expiry of her fixed-term appointment (FTA). We refer to this as the contested decision.
- 2. On 30 May 2024, by Judgment on Receivability No. UNRWA/DT/2024/017 (impugned Judgment), the UNRWA DT dismissed Ms. Ozairi's application as not receivable because it was filed out of time and thus the UNRWA Dispute Tribunal had no jurisdiction to determine its merits.
- 3. Ms. Ozairi has lodged an appeal against the impugned Judgment with the United Nations Appeals Tribunal (UNAT or Appeals Tribunal).
- 4. For the reasons set out below, we dismiss the appeal and affirm the impugned Judgment.

Facts and Procedure

- 5. Ms. Ozairi joined the Agency in September 2017. At the relevant time, she was a Technical Instructor Commercial, Grade 11, at the Syria Field Office (SFO), under an FTA due to expire on 31 August 2023.
- 6. On 12 September 2023, the Agency notified Ms. Ozairi by letter confirming retroactively that it would separate her from service, on the grounds of the expiry of her FTA, or perhaps more correctly that it had already done so.²
- 7. Ms. Ozairi submitted a request for decision review (RDR) of the contested decision by e-mail. The RDR was sent by Ms. Ozairi at 12:55 a.m. on 12 November 2023, from the United Arab Emirates (UAE) where she then was, but due to the time zone difference, it was received by the Agency in Amman, Jordan, on 11 November 2023 at 11:56 p.m.³

¹ Ozairi v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, Judgment No. UNRWA/DT/2024/017.

² UNRWA DT Application, Annex 1, Letter from the Agency to Ms. Ozairi dated 12 September 2023.

³ UNRWA DT Application, Annex 6, E-mail exchange dated 11 and 12 November 2023 between Ms. Ozairi and the Agency.

- 8. The Agency did not inform Ms. Ozairi of the outcome of the decision review.
- 9. On 11 March 2024, Ms. Ozairi filed her application with the UNRWA Dispute Tribunal challenging the contested decision.

Impugned Judgment

- 10. On 30 May 2024, the UNRWA Dispute Tribunal issued the impugned Judgment, dismissing Ms. Ozairi's application. The UNRWA DT first found that the apparent one-hour difference between the time of submission and the time of receipt of the RDR was due to the difference in time zones between UAE and Jordan and so there was in reality no delay between Ms. Ozairi's sending and the Agency's receipt of it.4
- 11. The UNRWA DT examined "two scenarios". First, in relation to the timing of the RDR, it held that since Ms. Ozairi was notified of the contested decision on 12 September 2023, in accordance with UNRWA Area Staff Rule 111.2(3), she was required to submit her RDR by 11 November 2023. Therefore, it found that "[i]f the time of submission [was] based on the time zone of [Ms. Ozairi], then the RDR was submitted on 12 November 2023 and was not [timeously] filed. The [a]pplication would thus be not receivable *ratione materiae*".5
- 12. Addressing the second scenario, relating to the filing of her proceedings with the UNRWA DT, the Tribunal concluded that even if the RDR were deemed to have been submitted on 11 November 2023 based on the Agency's time zone— and thus considered timely under UNRWA Area Staff Rule 111.2(3), her application to the Tribunal would not be receivable by it. The UNRWA DT explained that "[u]nder [UNRWA] Area Staff Rule 111.2(5), the Agency would have had 30 days from the date of receipt to respond to [Ms. Ozairi]'s RDR, i.e., by 11 December 2023". In the absence of a response to her RDR, "[u]nder Article 8(1)(d)(ii) of the Statute of the Tribunal, [Ms. Ozairi] would then have had 90 days from the 'expiry of the relevant response period' to file an application with the Tribunal, i.e., by 10 March 2023". Even assuming that the RDR had been lodged timeously, since Ms. Ozairi submitted her application to the UNRWA DT only on 11 March 2023, the UNRWA Dispute Tribunal found that it was late, albeit by one day, and, therefore, not receivable for that reason.

⁴ Impugned Judgment, para. 29.

⁵ *Ibid.*, paras. 28 and 30(i).

⁶ *Ibid.*, para. 30(ii).

Procedures before the Appeals Tribunal

13. On 17 June 2025, during the Summer Session of the Appeals Tribunal, at which this appeal was to be decided, Ms. Ozairi filed a Motion for anonymity and redaction of identifying information in our Judgment. The Commissioner-General was allowed a very brief time to respond but we assume he elected not to do so.

Submissions

Ms. Ozairi's Appeal

- 14. Ms. Ozairi requests the Appeals Tribunal to grant the appeal, reverse the impugned Judgment, and "[a]ward compensation for the extensive moral and material damage that affected [her] and [her] family for years of defamation, confidentiality breach, and financial suffering, intensified due to the erred [Judgment] made by the UNRWA DT".
- 15. Ms. Ozairi questions the UNRWA DT's decision to discuss two hypothetical scenarios, asserting that she did in fact submit her RDR on 12 November 2023.
- 16. Relying on Article 29(b) of the Appeals Tribunal Rules of Procedure, Ms. Ozairi argues that the UNRWA DT failed to exercise jurisdiction vested in it by not extending the deadline for filing her RDR, given that 11 November 2023 fell on a Saturday, a non-working day. In this regard, she contends that the Agency itself has previously applied that rule, noting that it once sent her a response to an unrelated RDR on a Saturday.
- 17. Ms. Ozairi highlights that she was notified of the contested decision on 12 September 2023, 12 days after the expiry of her FTA and claims that this violated UNRWA Area Staff Rule 109.5.
- 18. Ms. Ozairi also raises several arguments on the merits of the case. Specifically, she alleges that the UNRWA DT erred in concluding that she failed to report for duty on 6 August 2023, following the expiry of her Special Leave Without Pay (SLWOP).⁷

⁷ *Ibid.*, para. 7. We simply note, however, that the UNRWA Dispute Tribunal did not embark on an investigation of the merits of Ms. Ozairi's case because it was found to be unreceivable. This appeal can only be against that impugned Judgment, and if there is to be any consideration of the merits, the case would have to be remanded to the UNRWA DT for reconsideration on the merits.

The Commissioner-General's Answer

- 19. The Commissioner-General requests the Appeals Tribunal to dismiss the appeal in its entirety and affirm the impugned Judgment. The Commissioner-General contends that the UNRWA DT correctly dismissed Ms. Ozairi's application as not receivable. The Commissioner-General submits that Ms. Ozairi failed to establish any error warranting the reversal of the impugned Judgment.
- 20. As a preliminary remark, the Commissioner-General notes that it has not been established that Ms. Ozairi's RDR was deemed submitted on 12 November 2023. In any event, even assuming that it was submitted on that date, the Commissioner-General argues that it was not timely, as rightly concluded by the UNRWA DT.
- 21. The Commissioner-General highlights that, pursuant to Article 8(3) of the UNRWA DT Statute, the UNRWA Dispute Tribunal cannot suspend, waive or extend the deadlines for decision review. The Commissioner-General further relies on Lanla Fatma Kamara-Joyner, where the Appeals Tribunal held that "[a] plain and ordinary reading of the language of Article 8(3) is that the prohibition on suspending or waiving deadlines for management evaluation precludes extending a deadline that falls on a holiday or weekend. There is no authority to allow a staff member the 'extra' day to submit a request for management evaluation on a Monday as this has the effect of 'suspending' the deadline over the weekend, contrary to Article 8(3)" and this applies, "regardless of the Tribunals' respective practices on calculating timelines for other matters". With regard to Ms. Ozairi's reliance on a previous instance in which the Agency sent her a response to an unrelated RDR on a Saturday, the Commissioner-General contends that this argument is misplaced, as belated responses to RDRs have no bearing on the question of the UNRWA DT's jurisdiction.
- 22. In response to Ms. Ozairi's contention that she was notified of the contested decision on 12 September 2023, 12 days after the expiry of her FTA, the Commissioner-General argues that the alleged late communication of the contested decision is irrelevant to the present appeal.
- 23. Finally, the Commissioner-General submits that since the impugned Judgment did not address the merits of the case, Ms. Ozairi's claims in this regard are not properly before the

⁸ Lanla Fatma Kamara-Joyner v. Secretary-General of the United Nations, Judgment No. 2023-UNAT-1400, paras. 99 and 102.

Appeals Tribunal and should not be addressed. In any event, the Commissioner-General contends that these claims are irrelevant to the present appeal.

Considerations

Motion for anonymity

- 24. Although Ms. Ozairi relies on the UNAT's authority under Article 10(9) of its Statute and 18(1) of its Rules of Procedure to make these orders, the Motion is also subject to paragraph 22^{bis} of our Practice Direction No. 1, which requires motions to be filed no later than two weeks before the start of a session, unless exceptional circumstances are shown to exist.
- 25. We decline the Motion for the following reasons. Ms. Ozairi's Motion was filed *prima facie* in breach of paragraph 22^{bis} of our Practice Direction No. 1. No exceptional circumstances have been advanced or otherwise shown to justify waving the time limit. We have considered the impugned Judgment and the submissions made in support of and in opposition to the appeal before us. This is a receivability case: we do not and will not refer to the personal circumstances relied on by Ms. Ozairi in her Motion. Accordingly, the Motion must be dismissed not only because it has been filed out of time and absent exceptional circumstances, but also because it does not make out a case for anonymity on its merits. The presumption in Article 10(9) of the Appeals Tribunal Statute, in favour of open justice and the publication of judgments including parties' names, has not been displaced.

Receivability of Ms. Ozairi's appeal

- 26. The administrative decision contested by Ms. Ozairi was UNRWA's decision of 12 September 2023, deciding to treat her employment as having ended on 31 August 2023 with the expiry of her FTA on that date. In the days before 31 August 2023, there was correspondence between the parties evidencing the Agency's preparedness to grant Ms. Ozairi a further period of SLWOP, including after 31 August 2023, if she supplied supporting documentation. She did so on 30 August 2023, but it appears that this was considered insufficient to persuade the Agency to grant an extension to, or to allow a further period of, SLWOP, which it confirmed on 12 September 2023.
- 27. The 60-day period within which Ms. Ozairi had to submit an RDR thus began on 13 September 2023 and concluded on 11 November 2023. Although it is unnecessary in the

circumstances of this case to decide this conclusively (and it was not so decided by the UNRWA DT), we tend to the view that, if different from the date on which it was transmitted by the staff member, an RDR is considered lodged on the date when it is received by the Agency. This means that Ms. Ozairi's RDR was lodged (received by the Agency) late on 11 November 2023 and so was within time for complying with that temporal requirement.

- 28. In the absence of a response from UNRWA to that RDR within 30 days of its lodgment, Ms. Ozairi then had 90 days within which to file her proceedings with the UNRWA DT challenging the contested decision. This period expired at the end of 10 March 2024. Her application was filed on the following day, 11 March 2024, and was therefore out of time.
- 29. Since no request for an extension of time was made before the UNRWA DT, it concluded that a strict interpretation and application of its deadlines precluded Ms. Ozairi from having the merits of her claims considered and thus her service could not be said to have been unlawfully terminated. The UNRWA DT did not have the authority to unilaterally waive or extend the deadline for filing by adjusting the date on which Ms. Ozairi should have lodged her RDR. In this regard, Article 8(3) of its Statute provides:

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.

- 30. Nor, in the circumstances, was Ms. Ozairi entitled to the exercise of the UNRWA DT's discretion to extend the time for filing with it, a power also addressed in Article 8(3) of its Statute. Not only was there no written request from Ms. Ozairi as required, but there do not appear to have been any exceptional circumstances related to her case established by her before the UNRWA Dispute Tribunal, or otherwise apparent to it. That being the position before the UNRWA Dispute Tribunal, this Appeals Tribunal cannot make such an order.
- 31. We will deal briefly with Ms. Ozairi's other grounds of appeal. As noted earlier, we will not address the merits of her claims for the reasons already set out in this Judgment.
- 32. "Working" days, as alleged by Ms. Ozairi to be applicable, are irrelevant to the calculation of the periods within which these steps must be taken under the UNRWA Staff Rules and the

THE UNITED NATIONS APPEALS TRIBUNAL

Judgment No. 2025-UNAT-1548

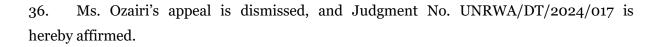
UNRWA DT Statute. All references are to "calendar" days, that is, both working and non-working days.9

- 33. Although Article 30 of the UNRWA DT Rules of Procedure might appear to empower the UNRWA DT to adjust the time limitation for lodging RDRs, these Rules are subject to the UNRWA DT Statute, which clearly provides at its Article 8(3), set out at paragraph 28 above, that the Tribunal is expressly forbidden from doing so.
- 34. We conclude that, irrespective of whether Ms. Ozairi's RDR was lodged within time, her application before the Tribunal was not filed within the time for doing so. Ms. Ozairi has not persuaded us that the UNRWA DT erred in law or fact in reaching its conclusion about the non-receivability of her proceedings, and her appeal must be dismissed.
- 35. We add, as a comment or observation only (*obiter dicta*), that if staff are located in different time zones and there is confusion about which time zone's date/time are applicable to time limits for lodging requests or filing documents, the Agency may wish to consider clarifying this issue by clearly specifying what time and date are to apply in which time zone and publicizing this information among staff and their representatives.

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⁹ Lanla Fatma Kamara-Joyner Judgment, op. cit., paras. 94-99.

Judgment



Original and Authoritative Version: English

Decision dated this 27^{th} day of June 2025 in New York, United States.

(Signed) (Signed)

Judge Colgan, Presiding Judge Savage Judge Gao

Judgment published and entered into the Register on this 8^{th} day of July 2025 in New York, United States.

(Signed)

Juliet E. Johnson, Registrar