



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2015-717

Saeed (Appellant)

v.

Commissioner-General

of the United Nations Relief and Works Agency

for Palestine Refugees in the Near East (Respondent)

ORDER No. 220 (2015)

1. On 17 February 2015, the Dispute Tribunal of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA DT and UNRWA, respectively) issued Judgment No. UNRWA/DT/2015/008.Corr.01, in the case of *Saeed v. Commissioner-General of UNRWA*. The UNRWA DT dismissed Mr. Saeed's application as not receivable finding that two of his claims were time-barred and the third was not an "appealable administrative decision". The Judgment was notified to Mr. Saeed's work e-mail although he had separated from UNRWA 14 months earlier.
2. On 1 April 2015, Mr. Saeed contacted the Registry via e-mail to request help in filing his appeal, and claiming that he was only notified of the issuance of the UNRWA Judgment on 18 March 2015 when he contacted the Registry of the UNRWA DT.
3. On 15 April 2015, having experienced ongoing difficulty with filing his appeal electronically and being conscious that any appeal should be filed by 17 April 2015, Mr. Saeed contacted the Registry via e-mail to request an extension of time to file his appeal. Mr. Saeed claims that despite the help of Registry he had not succeeded in filing his appeal electronically and that the death of his brother on 12 April 2015 had occupied him and his family. He requested "sixty days from the day I received the [UNRWA] DT e-mail [on 18 March 2015]" to file his appeal.
4. On 14 May 2015, the Registry of the Appeals Tribunal requested that Mr. Saeed cure the format and content defects in his request and properly file his request.

5. On 18 May 2015, Mr. Saeed perfected his application and filed a “Request for an extension of time to file an appeal” in which he repeats the explanations outlined above, and makes additional submissions as to the merits of his complaint.

6. Article 7(1)(c) of the Appeals Tribunal Statute (Statute) provides that an appeal must be filed “within 60 calendar days *of the receipt of the judgement* of the Dispute Tribunal or, where the Appeals Tribunal has decided to waive or suspend that deadline in accordance with paragraph 3 of the present article, within the period specified by the Appeals Tribunal” (emphasis added). Article 7(3) of the Statute provides that “[t]he Appeals Tribunal may decide in writing, upon written request by the applicant, to suspend or waive the deadlines for a limited period of time and only in exceptional cases”. Article 30 of the Rules of Procedure of the Appeals Tribunal allows this Tribunal to shorten or extend a time limit “when the interests of justice so require”.

7. Having carefully considered Mr. Saeed’s request, I am satisfied that he was notified of the issuance of the UNRWA DT Judgment on 18 March 2015. Accordingly, pursuant to Article 7(1) of the Statute, Mr. Saeed had until 17 May 2015 to file his appeal. Although Mr. Saeed’s perfected request for an extension of time to appeal was filed the day after the expiration of the 60 days-appeals period, he first requested an extension of time to appeal on 15 April 2015, well before the expiration of the 60 days-appeals period. Mr. Saeed raises several claims to support his request, namely belated notification of the Judgment by UNRWA, difficulties with the online filing system, and the concurrent death of a family member. In view of Mr. Saeed’s timely efforts to file an appeal and request for extension of time, I am satisfied that the circumstances of the present case are “exceptional” within the meaning of Article 7(3) of the UNAT Statute. Thus, Mr. Saeed’s request is granted.

IT IS HEREBY ORDERED that Mr. Saeed’s request for an extension of time to file his appeal is **GRANTED**, and the appeal form and appeal brief **shall be filed no later than 1 June 2015**. No further requests for extension of time will be entertained.

Original and Authoritative Version: English

Dated this 20th day of May 2015 in London,
United Kingdom.

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

(Signed)
Judge Richard Lussick,
President

(Signed)
Weicheng Lin, Registrar