

2010-UNAT-020, Adwan

UNAT Held or UNDT Pronouncements

In considering the appeal brought forth by the Appellant, UNAT preliminarily held that the UNRWA JAB erred in finding that the appeal was not receivable due to late filing; UNAT held that it was evident the JAB appeal was filed on time. With regard to the substance of the appeal, UNAT held that it was within UNRWA's power and discretion to refuse the Appellant's reinstatement since it had already filled his position. UNAT affirmed UNRWA's position that there was no error in refusing the Appellant's reinstatement and dismissed the appeal.

Decision Contested or Judgment/Order Appealed

UNRWA JAB decision: The Applicant submitted a letter of resignation for his post but shortly after indicated that he wished to withdraw his letter and be reinstated. UNRWA had already filled his post and refused to reinstate him. The Applicant appealed to the UNRWA Joint Appeals Board (JAB), which submitted its report to the UNRWA Commissioner-General. The UNRWA Commissioner-General adopted the JAB's recommendation and affirmed the decision.

Legal Principle(s)

An employer has no obligation to reinstate an employee who previously resigned.

Outcome

Appeal dismissed on merits

Outcome Extra Text

No relief ordered; No relief ordered.

Full judgment

[Full judgment](#)

Applicants/Appellants

Adwan

Entity

UNRWA

Case Number(s)

2010-038

Tribunal

UNAT

Registry

New York

Date of Judgement

30 Mar 2010

President Judge

Judge Boyko

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Remedies

Specific performance

Separation from service