

2010-UNAT-024, Haniya

UNAT Held or UNDT Pronouncements

UNAT affirmed the Commissioner-General's decision to terminate the staff member for misconduct. UNAT emphasized the fact that the staff member, as a guard, held a position of trust that he had failed to respect. UNAT held that where termination of service is connected to any type of investigation of a staff member's possible misconduct, it must be reviewed as a disciplinary measure. UNAT held that the imposed sanction of separation was not disproportionate to the offense. Related judgments: 2010-UNAT-018 (Mahdi)

Decision Contested or Judgment/Order Appealed

The staff member contested the decision to terminate his appointment "in the interest of the Agency", under UNRWA Area Staff Regulation 9. 1. The former JAB concluded that the UNRWA Administration had dealt with the matter within the framework of the standing rules, regulations, and directives and recommended that the Commissioner-General dismissed the appeal. The Commissioner-General approved the former JAB's recommendation.

Legal Principle(s)

When reviewing a disciplinary sanction imposed by the Administration, the Tribunal will examine whether the facts on which the sanction is based have been established, whether the established facts qualify as misconduct, and whether the sanction is proportionate to the offense. The Tribunal may consider the nature of the position held by the individual and the assigned responsibilities in determining whether the sanction imposed is proportionate to the offense.

Outcome

Appeal dismissed on merits

Outcome Extra Text

No relief ordered.

Full judgment

[Full judgment](#)

Applicants/Appellants

Haniya

Entity

UNRWA

Case Number(s)

2010-029

Tribunal

UNAT

Registry

New York

Date of Judgement

30 Mar 2010

President Judge

Judge Simón

Language of Judgment

Arabic

English

Issuance Type

Judgment

Categories/Subcategories

Standard of review (judicial)

Disciplinary cases

Termination (of appointment)

Disciplinary sanction

Summary dismissal

Applicable Law

UNRWA Area Staff Regulations

- Regulation 9.1