

2010-UNAT-038, Adwan

UNAT Held or UNDT Pronouncements

UNAT preliminarily held that the appeal was time-barred. UNAT held that even if the appeal was not time-barred, it would be dismissed on merits. UNAT was satisfied that the established facts showed that the Appellant engaged in misconduct warranting a disciplinary measure. UNAT held that the imposed sanction was proportionate to the offence. UNAT further held that the Appellant did not demonstrate any violation of her due process rights. UNAT dismissed the appeal and affirmed the impugned decision to demote the Appellant.

Decision Contested or Judgment/Order Appealed

UNRWA decision: The Applicant contested the decision to demote her. The UNRWA JAB concluded that there was evidence that the Applicant had not complied with her job description and that she had committed misconduct. The Commissioner-General approved the JAB recommendation.

Legal Principle(s)

When reviewing a sanction imposed by the Administration, UNAT 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 offence. Demotion may be a proportionate sanction in response to a failure to perform that results in direct and important consequences for the functioning of an office.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Adwan

Entity

UNRWA

Case Number(s)

2010-025

Tribunal

UNAT

Registry

New York

Date of Judgement

1 Jul 2010

President Judge

Judge Simón

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Disciplinary matters / misconduct

Disciplinary measure or sanction