

# 2012-UNAT-193, Al Sayyed

## UNAT Held or UNDT Pronouncements

UNAT considered Mr Al Sayyed's appeal and found that the decision to terminate his service, effective from close of business 15 December 2007, and as communicated to him on 30 November 2007, was superseded by the action he took on 4 December 2007, an action reinforced by him on 7 January 2008. Under these circumstances, UNAT held that UNRWA did not err in dismissing Mr Al Sayyed's appeal against his termination on the basis that there was no termination decision capable of review. UNAT dismissed the appeal.

## Decision Contested or Judgment/Order Appealed

UNRWA decision: Mr Al Sayyed contested the decision to terminate his service with UNRWA. The UNRWA Commissioner-General rejected this appeal and held that Mr Al Sayyed's employment relationship with UNRWA ended as a result of his decision to opt for early retirement and not as a result of the termination.

## Legal Principle(s)

When an Applicant's appointment is terminated by their voluntary action, rather than as the result of any wrongful act of the Respondent, there is no basis for the Applicant's claims and all relief sought is refused.

## Outcome

Appeal dismissed on merits

## Outcome Extra Text

No relief ordered; No relief ordered.

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Al Sayyed

## Entity

UNRWA

## Case Number(s)

2010-181

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

16 Mar 2012

## President Judge

Judge Faherty

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Subject matter (*ratione materiae*)

Separation from service

Termination of appointment (see also, Termination of appointment)

Termination (of appointment)

## Related Judgments and Orders

2010-UNAT-039