

2013-UNAT-340, Dannan

UNAT Held or UNDT Pronouncements

UNAT held that the appeal was not based on any of the required grounds. UNAT held that UNRWA DT properly discharged its duty to examine whether the procedure laid down in the applicable Staff Regulations and Rules had been followed and whether the Appellant had been given fair and adequate consideration. UNAT held that UNRWA DT correctly placed upon the Appellant the onus of showing by clear and convincing evidence that he had been denied a fair chance of being promoted. UNAT agreed with UNRWA DT's observation that it was not enough for the Appellant to merely allege favouritism and yet produce no cogent evidence, arguments, or submissions in support thereof. UNAT held that UNRWA DT was entitled to decide on the evidence before it that there was no procedural impropriety, favouritism or any other kind of bias or prejudice that tainted the selection process and the decision to appoint the successful candidate. UNAT held that the Appellant failed to demonstrate that UNRWA DT committed any error of fact or law in arriving at its decision and that accordingly, there was no merit in the appeal. UNAT dismissed the appeal and affirmed the UNRWA DT judgment.

Decision Contested or Judgment/Order Appealed

UNRWA DT judgment: The Applicant contested his non-selection for a post. UNRWA DT dismissed his application, concluding that there was no procedural impropriety, favouritism or any other kind of bias or prejudice that tainted the selection process and the decision to appoint the successful candidate.

Legal Principle(s)

The appeals procedure is of a corrective nature and is thus not an opportunity for a party to reargue his or her case. A party cannot merely repeat on appeal arguments that did not succeed in the lower court; rather, he or she must demonstrate that the

court below committed an error of fact or law warranting intervention by UNAT.

Outcome

Appeal dismissed on merits

Outcome Extra Text

No relief ordered; No relief ordered.

Full judgment

[Full judgment](#)

Applicants/Appellants

Dannan

Entity

UNRWA

Case Number(s)

2012-377

Tribunal

UNAT

Registry

New York

Date of Judgement

28 Jun 2013

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Discrimination and other improper motives

Bias/favouritism

Jurisdiction / receivability (UNAT)

Appeal

Staff selection (non-selection/non-promotion)

Full and fair consideration

Applicable Law

Agreements, conventions, treaties (etc.)

- Special Agreement between the UN and UNRWA

Related Judgments and Orders

2011-UNAT-110

2010-UNAT-035

2011-UNAT-123