

# 2014-UNAT-432, Azzouz

## UNAT Held or UNDT Pronouncements

UNAT held that UNRWA DT had correctly determined that the application was not receivable. UNAT held that the Appellant had failed to establish that UNRWA DT had committed errors in law or fact in reaching its decision. UNAT held that the Appellant's claim that he was denied legal representation was not made before UNRWA DT, although it was a circumstance that was known to the Appellant at that time. UNAT held that it would not permit the issue to be raised for the first time on appeal. UNAT dismissed the appeal and affirmed the UNRWA DT judgment.

## Decision Contested or Judgment/Order Appealed

UNRWA DT Judgment: The Applicant contested the decision that denied transferring him to the then-vacant post of Clinic's Clerk at the Medical Department in the Al Elins area in Damascus. UNRWA DT issued Judgment No. UNRWA/DT/2013/013 rejecting the application as not receivable *ratione materiae* on the ground that the Applicant had failed to request decision review pursuant to Area Staff Rule 111.2 (1)(A) and that UNRWA DT had no jurisdiction to waive this requirement. UNRWA DT found that, in any event, the application was rendered moot since the Applicant was separated in response to his request for early voluntary retirement which superseded the Commissioner-General's decision to terminate his service.

## Legal Principle(s)

The appeals procedure is of a corrective nature and is not an opportunity for a dissatisfied 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 has committed an error of fact or law warranting intervention by UNAT.

## Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Azzouz

Entity

UNRWA

Case Number(s)

2013-494

Tribunal

UNAT

Registry

New York

Date of Judgement

27 Jun 2014

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNAT)

Appeal

Subject matter (ratione materiae)

Jurisdiction / receivability (UNDT or first instance)

Applicable Law

UNRWA Area Staff Rules

- Rule 111.2

Related Judgments and Orders

2010-UNAT-056

2010-UNAT-035

2013-UNAT-340