

2014-UNAT-434, Beqai

UNAT Held or UNDT Pronouncements

UNAT preliminarily rejected the request for an oral hearing since the issue to be determined was clear from the papers filed in the appeal. UNAT held that, other than repeating his arguments before the UNRWA DT, the Appellant had not detailed the alleged instances which, according to him, resulted in a manifestly unreasonable decision. UNAT held that the claims of errors of fact on the part of UNRWA DT, resulting in a manifestly unreasonable decision, were unsustainable. UNAT held that UNRWA DT did not err when it found, from the contents of the 2 September 2009 communication to the Appellant, that the Appellant was aware that any extension of his fixed-term appointment as a dental surgeon was contingent upon the post of another doctor being extended. UNAT held that UNRWA DT did not err when it rejected the Appellant's contention that he was unaware that the half post he held was the post of another. UNAT held that UNRWA DT had correctly found no basis for the Appellant's allegation that he had been asked to pay a bribe. UNAT held that the Appellant failed to substantiate his claim of unlawful termination of a fixed-term appointment on the ground of improper motive or conduct. UNAT dismissed the appeal and affirmed the UNRWA DT judgment.

Decision Contested or Judgment/Order Appealed

UNRWA DT Judgment: The Applicant contested the decision to separate him from service as a consequence of the suspension of the Mobile Dental Unit project, for Beirut and the North, which resulted in the return of those regular staff who were assigned to the project effective 1 June 2010. UNRWA DT issued Judgment No. UNRWA/DT/2013/012, finding the case receivable, and holding that the Applicant had not provided a shred of evidence to support this very serious allegation and recalling that the making of a bold assertion and/or allegation unsupported by any direct or even circumstantial evidence is unacceptable. UNRWA DT dismissed the application.

Legal Principle(s)

A party appealing a Judgment of UNDT is unlikely to succeed in having the Judgment reversed, modified or the case remanded to UNDT unless the appeal challenges the impugned Judgment on one or more of the grounds referred to in Article 2.1 (a) to (e), of the UNAT Statute.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Beqai

Entity

UNRWA

Case Number(s)

2013-496

Tribunal

UNAT

Registry

New York

Date of Judgement

27 Jun 2014

President Judge

Judge Faherty

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Appointment (type)

Fixed-term appointment

Jurisdiction / receivability (UNAT)

Appeal

Non-renewal

Reason(s)

Applicable Law

Agreements, conventions, treaties (etc.)

- Special Agreement between the UN and UNRWA

Related Judgments and Orders

2011-UNAT-153

2012-UNAT-263

2012-UNAT-236

2013-UNAT-340

2010-UNAT-071