

# **2015-UNAT-502, Khashan**

## UNAT Held or UNDT Pronouncements

UNAT held that, in protesting against the non-inclusion of his Transitional Personal Allowance in his retirement benefit, the Appellant had failed to appreciate the distinction between an allowance and base salary. UNAT held that UNRWA DT correctly found that under the applicable Staff Rules, the Appellant's retirement benefit did not include the Transitional Personal Allowance. UNAT found no error in the UNRWA DT's finding that the Appellant had not submitted a timely request for decision review with respect to his allegation of impropriety of his transfer and that therefore that claim was not receivable. UNAT held that the issue of unjust treatment in his job applications had not been raised before UNRWA DT and could not be introduced for the first time on appeal, and, as such, was not receivable. UNAT held that the Appellant failed to establish that UNRWA DT fell into any error of law or fact in arriving at its decision and thus his appeal has no merit and could not succeed. UNAT dismissed the appeal and affirmed the UNRWA DT judgment.

## Decision Contested or Judgment/Order Appealed

The Applicant contested the decision not to include the Transitional Personal Allowance in his retirement benefit following a transfer. UNRWA DT dismissed the application.

## Legal Principle(s)

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

## Outcome Extra Text

No relief ordered; No relief ordered

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Khashan

## Entity

UNRWA

## Case Number(s)

2014-571

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

26 Feb 2015

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Benefits and entitlements

Pension (see also, UNJSPF)

Personal Transitional Allowance (PTA)

Jurisdiction / receivability (UNAT)

Subject matter (ratione materiae)

Jurisdiction / receivability (UNDT or first instance)

Subject matter (ratione materiae)

## Applicable Law

Agreements, conventions, treaties (etc.)

- Special Agreement between the UN and UNRWA

UNRWA Area Staff Rules

- Rule 109.2(5)
- Rule 109.2(7)
- Rule 112.3(D)

## Related Judgments and Orders

2014-UNAT-414

2013-UNAT-340

2011-UNAT-123

2010-UNAT-035

2013-UNAT-349