

2015-UNAT-589, Salem

UNAT Held or UNDT Pronouncements

UNAT had before it an appeal of the Commissioner-General and a cross-appeal of Ms Salem. UNAT held that the procedural errors did not amount to an abuse of power. UNAT held that absent an abuse of power, the compensation for moral damages had to be vacated. UNAT granted the appeal, rejected the cross-appeal, and vacated the UNRWA DT judgment in its entirety.

Decision Contested or Judgment/Order Appealed

UNRWA DT judgment: Ms Salem contested three decisions, namely: (a) the decision not to confirm her appointment after a probationary period and to separate her from service; (b) the decision not to investigate her complaint of discrimination and abuse of power; and (c) the decision to close the case in relation to her complaint of discrimination and abuse of power. UNRWA DT found for Ms Salem and awarded moral damages.

Legal Principle(s)

It is not the role of the UNRWA DT to consider the correctness of the choice made by the Administration amongst the various course of action open to it. It is not the role of the UNRWA DT to substitute its own decision for that of the Administration.

Outcome

Appeal granted

Outcome Extra Text

No relief ordered; No relief ordered

Full judgment

[Full judgment](#)

Applicants/Appellants

Salem

Entity

UNRWA

Case Number(s)

2014-686

Tribunal

UNAT

Registry

New York

Date of Judgement

30 Oct 2015

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Compensation

Non-pecuniary (moral) damages
Discrimination and other improper motives
Non-renewal
Arbitrary or improper motive
Reason(s)

Applicable Law

Laws of other entities (rules, regulations etc.)

- UNRWA Organization Directive No. 20

UNAT Statute

- Article 9.1(a)

UNRWA Area Staff Regulations

UNRWA Personnel Directives

- PD A/4/Part VII/Rev.7

Related Judgments and Orders

2014-UNAT-438

2010-UNAT-084

2013-UNAT-309

2012-UNAT-265