

2016-UNAT-609, Siri

UNAT Held or UNDT Pronouncements

UNAT rejected the request for an oral hearing finding no need for further clarification of the issues. UNAT held that the Appellant failed to identify the grounds for his appeal, considering it defective. UNAT agreed with UNRWA DT that the Appellant had not complied with Staff Rule 111.3, which prescribes that the staff member is required to appeal to the JAB within thirty days. UNAT held that UNRWA DT's conclusion that the application was not receivable did not present any errors of law or fact. UNAT dismissed the appeal and affirmed the UNRWA DT judgment.

Decision Contested or Judgment/Order Appealed

UNRWA judgment: The Applicant filed an application for suspension of action of the non-renewal and recruitment decisions together with a substantive application on the merits. UNDT ordered the suspension of the decisions until the determination of the merits of the case.

Legal Principle(s)

An interlocutory appeal is receivable where UNDT has clearly exceeded its jurisdiction or competence. This will not be the case in every decision by UNDT concerning its jurisdiction or competence. Articles 13 and 14 of the UNDT Rules of Procedure follow the same logic, though with slightly different wording. They must not be read as amending the Statute, because they merely serve as instrument to implement the Statute (see Article 7.1 of the UNDT Statute). Cases of separation following non-renewal constitute a case of appointment and fall under the exclusionary clause of Article 10. 2 of the UNDT Statute. In these cases, the reversal of the underlying contested decision results in the issuance of a new appointment reflecting "expressly or by reference all the terms and conditions of employment" as provided for in Staff Rule 4.1.

Outcome

Appeal dismissed on receivability

Full judgment

[Full judgment](#)

Applicants/Appellants

Siri

Entity

UNRWA

Case Number(s)

2015-864

Tribunal

UNAT

Registry

New York

Date of Judgement

22 Jan 2016

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Interlocutory or interim appeal / Appeal of UNDT order to UNAT

Suspension of action

Non-renewal

Applicable Law

Staff Rules

- Rule 4.1

UNDT RoP

- Article 13
- Article 14
- Article 18.1

UNDT Statute

- Article 10.2
- Article 2.1
- Article 2.2
- Article 8.3

Related Judgments and Orders

2010-UNAT-005

2010-UNAT-060

2010-UNAT-062

2013-UNAT-324

2012-UNAT-256

2011-UNAT-151

2010-UNAT-002