

2016-UNAT-611, Chaaban

UNAT Held or UNDT Pronouncements

UNAT held that UNRWA DT had correctly determined that the Appellant had failed to comply with the time limits set forth in former Area Staff Rule 111.3, making his application not receivable as it pertained to his challenge to the decision denying eligibility for the post of Database Manager. UNAT held that the Appellant had never sought review of the decision to separate him from service, failing to comply with Article 8.1(c) of the UNRWA DT Statute, which requires that an applicant must submit the contested administrative decision for decision review first. UNAT affirmed UNRWA DT's finding that the application was not receivable *ratione materiae*. Considering the appeal frivolous and manifest abuse of the appeals process, UNAT awarded costs against the Appellant. UNAT dismissed the appeal and affirmed the UNRWA DT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decisions a) not to transfer him to another post and b) not to renew his fixed-term appointment upon its expiry. UNRWA DT dismissed the application as not receivable *ratione materiae*.

Legal Principle(s)

The role of the Dispute Tribunal includes adequately interpreting and comprehending the application submitted by the moving party, whatever name the party attaches to the document. The Dispute Tribunal is not limited to the staff member's description of the contested or impugned decision; quite properly, it can consider the application as a whole, including the relief or remedies requested by the staff member, in determining the contested or impugned decisions to be reviewed.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Chaaban

Entity

UNRWA

Case Number(s)

2014-669

Tribunal

UNAT

Registry

New York

Date of Judgement

24 Mar 2016

President Judge

Judge Chapman

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Abuse of process before UNDT/UNAT

Costs

Manifest abuse

Jurisdiction / receivability (UNDT or first instance)

Applicable Law

UNAT Statute

- Article 2.1
- Article 9.2

UNRWA Area Staff Rules

- Former Rule 111.3

UNRWA DT Statute

- Article 10.6
- Article 8.1(c)

Related Judgments and Orders

2015-UNAT-591

2012-UNAT-238

2015-UNAT-554