

2016-UNAT-623, Abdullah

UNAT Held or UNDT Pronouncements

UNAT held that the Appellant had failed to demonstrate evidence of exceptional circumstances to justify the need to submit new evidence or file additional pleadings and, therefore, dismissed the Appellant's motion. UNAT rejected the request for an oral hearing finding that it would not assist in the expeditious and fair disposal of the case. UNAT held that UNRWA DT was not required to set out its findings on every submission presented by the Appellant and the failure to do so did not amount to an error on the part of the UNRWA DT. UNAT upheld the order of UNRWA DT to rescind the contested decision and to order that the Commissioner-General inform the Appellant of the conclusion of the investigation and of any action which may have been taken by the Agency to address the complaint. UNAT upheld UNRWA DT's findings that there was no evidence of proof of material or moral damages and its rejection of the Appellant's claim for compensation. UNAT dismissed the appeal and affirmed the

Decision Contested or Judgment/Order Appealed

The Applicant filed an application to challenge the Field Legal Officer's refusal to inform him about the outcome of the investigation on his complaint, that his signature on his annual PER had been forged, and to seek compensation. UNRWA DT found that, under General Staff Circular No. 06/2010, a staff member who files a complaint of abuse of power has the right to be informed by the Field Director or the Director of Human Resources of the result of the investigation and that, therefore, the refusal to inform the Applicant was unlawful. UNRWA DT rescinded the contested decision and ordered that the Commissioner-General inform the Applicant of the conclusion of the investigation and any actions taken by the Agency following his complaint. Finding no proof of material or moral damages, UNRWA DT rejected the claim for compensation. The Applicant appealed and later filed a motion seeking permission to file additional pleadings and to proffer new evidence before UNAT.

Legal Principle(s)

A staff member must be informed of the outcome of a complaint, namely: 1) What are the findings of the investigation panel; and 2) What action, if any, is taken in that regard. A claim for an award of compensation for moral damages without specific evidence supporting that claim cannot succeed.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Abdullah

Entity

UNRWA

Case Number(s)

2015-726

Tribunal

UNAT

Registry

New York

Date of Judgement

24 Mar 2016

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Compensation

Non-pecuniary (moral) damages

Pecuniary (material) damages

Disciplinary matters / misconduct

Abuse of authority

Investigation

Due process

Applicable Law

Other UN issuances (guidelines, policies etc.)

- General Staff Circular No. 06/2010

UNAT RoP

- Article 10.1
- Article 18.1
- Article 31.1

UNAT Statute

- Article 8.3

Related Judgments and Orders

2015-UNAT-576

2015-UNAT-542

2015-UNAT-524

2014-UNAT-481

2015-UNAT-550

2013-UNAT-292

2015-UNAT-602

2015-UNAT-541

2012-UNAT-228

2012-UNAT-205

2010-UNAT-076

2010-UNAT-042