

# 2016-UNAT-634, Jaber et al.

## UNAT Held or UNDT Pronouncements

UNAT held that the Appellants had failed to present any evidence showing that they had suffered mental distress during the investigation, and such evidence was necessary for an award of moral damages. UNAT held that there was no merit in the Appellant's claim that UNRWA DT had erred in not awarding them compensation for the lengthy administrative delay during the investigation. UNAT dismissed the appeal and affirmed the UNRWA DT judgment.

## Decision Contested or Judgment/Order Appealed

The Applicants contested the decisions to suspend all of them from duty with pay for nearly 18 months without any compensation following the closure of the investigation into suspected fraud. UNRWA DT found that the duration of the investigation was not unreasonable given the complex financial issues and voluminous documents involved. UNRWA DT found that the 18-month delay in closing the investigation was not due to the Agency's negligence and that it did not violate the Applicant's due process rights. UNRWA DT rejected the requests for compensation, for the Agency to issue an apology and for the Tribunal to issue a declaration of their innocence. UNRWA DT dismissed all the applications.

## Legal Principle(s)

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## Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Jaber et al.

Entity

UNRWA

Case Number(s)

2015-840

2015-841

2015-842

2015-843

Tribunal

UNAT

Registry

New York

Date of Judgement

24 Mar 2016

Language of Judgment

Arabic

English

Issuance Type

Judgment

Categories/Subcategories

Compensation

Non-pecuniary (moral) damages

Evidence

Evidence of harm

Investigation

Due process

Applicable Law

Laws of other entities (rules, regulations etc.)

- DIOS Guide to conducting misconduct investigations

UNAT Statute

- Article 9

UNRWA Area Staff Rules

- Rule 110.2

Related Judgments and Orders

2013-UNAT-367

2010-UNAT-051

2015-UNAT-576

2015-UNAT-542

2015-UNAT-524

2014-UNAT-481