

# 2016-UNAT-653, AlRifai

## UNAT Held or UNDT Pronouncements

UNAT held that the Appellant introduced new elements for consideration on appeal that were not put forward at the trial level (Annex 4 (Post Classification Questionnaire Form)), and the contentions about alleged procedural irregularities preceding the non-upgrading of the Appellant's post). UNAT held that the documents and arguments put forward for the first time were inadmissible. UNAT also held that the Appellant had failed to persuade UNAT that the impugned decision contained any error of fact or law that could warrant its reversal. UNAT agreed with UNRWA DT's finding that the reclassification of the Appellant's post at the Ramallah Women's Training Centre (RWTC) to Grade 18 was not implemented due to the ongoing reforms which resulted in the transfer of the RWTC's Education Science Faculty (ESF) program to the RMTC, which in turn led to the elimination of the duties previously ascribed to the Appellant. UNAT held that the Appellant's arguments of wrongdoing with respect to the Agency's classification of her post or in relation to the UNRWA DT's review of that activity had become irrelevant in the face of the uncontested fact, namely, that the change in her tasks and respective duties formed the basis for the decision not to upgrade her post. UNAT dismissed the appeal and affirmed the UNRWA DT judgment.

## Decision Contested or Judgment/Order Appealed

UNRWA DT judgment: The Applicant contested the decision not to upgrade her post from Grade 17 to Grade 18. UNRWA DT dismissed the application. UNRWA DT considered that the Applicant's responsibilities, as of the 2013-2014 academic year, did not include the supervision of the professor and associate professor positions, unlike her counterpart at the Ramallah Men's Training Centre ("RMTC"), whose post was upgraded to Grade 18. UNRWA DT rejected the Applicant's allegations of discrimination and failure to conform to other higher education systems and practices.

## Legal Principle(s)

An appeal is not the appropriate occasion to introduce new elements for consideration that were not put forward at the trial level. The staff member attempted to convert the judicial review into an administrative exercise of post-classification by means of different technical or educational grounds. However, this endeavour is outside the scope of the judicial review.

## Outcome

Appeal dismissed on merits

## Full judgment

[Full judgment](#)

## Applicants/Appellants

AlRifai

## Entity

UNRWA

## Case Number(s)

2015-860

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

30 Jun 2016

## President Judge

Judge Simón

## Language of Judgment

Arabic

English

## Issuance Type

Judgment

## Categories/Subcategories

Classification (post)

Standard of review (judicial)

Staff selection (non-selection/non-promotion)

## Applicable Law

UNRWA Personnel Directives

- PD A/2/Part.II/Rev. 4

## Related Judgments and Orders

2011-UNAT-105