

2017-UNAT-769, Haj Saleh

UNAT Held or UNDT Pronouncements

UNAT held that, in light of the undertaking the Appellant had signed agreeing to work on the relevant education programme at the remuneration rate determined by UNRWA, his acceptance of that rate was not compatible with his subsequent claim for retroactive readjustments. UNAT held that the extra and external activities as a lecturer for physical education did not have the consequence to modify the job duties or title of the Appellant's post. UNAT held that UNRWA DT properly treated the question of the Appellant's additional work in light of PD A/3 related to the parallel education programme. UNAT held that the Appellant's regular and extra duties were in line with the functions and responsibilities of a Recreation Officer. UNAT held that the Appellant's misunderstanding of and disagreement with the outcome of his application was not sufficient to overturn the judgment of UNRWA DT. UNAT rejected the appeal and affirmed the UNRWA DT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision not to pay him a teaching staff allowance for the lectures he had delivered. UNRWA DT dismissed his application on the basis that, as a Recreation Officer, he was a non-teaching staff rather than teaching staff, and that he had been properly compensated in accordance with UNRWA's overtime rules.

Legal Principle(s)

It is not enough for an appellant to disagree with the findings of fact or the conclusions of law made by the trial court. For a first instance decision to be vacated or overturned, an appellant must provide proof that the first instance tribunal, in rendering its judgment, exceeded its jurisdiction or competence, failed to exercise jurisdiction vested in it, erred on a question of law, committed an error in procedure such as to affect the decision of the case, or erred on a question of fact resulting in a manifestly unreasonable decision.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Haj Saleh

Entity

UNRWA

Case Number(s)

2017-1049

Tribunal

UNAT

Registry

New York

Date of Judgement

14 Jul 2017

Language of Judgment

Arabic

English

Issuance Type

Judgment

Categories/Subcategories

TEST -Rename- Benefits and entitlements-45

Applicable Law

UNAT Statute

- Article 2

UNRWA Personnel Directives

- PD A/3