

2017-UNAT-789, Barakat

UNAT Held or UNDT Pronouncements

UNAT held that the Appellant had not complied with his obligations under Article 2(1) of the UNAT Statute. UNAT held that there were no errors of law, fact, or procedure in the UNRWA DT judgment. UNAT held that under the relevant Circular, the Administration only had a duty to consider the Appellant's request to be transferred to a certain compound, but not his wish to be transferred to a certain school located in that compound. UNAT dismissed the appeal and affirmed the UNRWA DT Judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to deny his request for a transfer. UNRWA DT dismissed the case in its entirety.

Legal Principle(s)

The function of UNAT is to determine if the first instance tribunal has made errors of fact or law, exceeded its jurisdiction or competence, or failed to exercise its jurisdiction, as prescribed in Article 2(1) of the UNAT Statute. The appellant has the burden of satisfying UNAT that the judgment rendered by the first instance tribunal is defective.

Outcome

Appeal dismissed on merits

Outcome Extra Text

No relief ordered; No relief ordered.

Full judgment

[Full judgment](#)

Applicants/Appellants

Barakat

Entity

UNRWA

Case Number(s)

2017-1073

Tribunal

UNAT

Registry

New York

Date of Judgement

27 Oct 2017

President Judge

Judge Knierim

Language of Judgment

Arabic

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNAT)

Appeal

Reassignment or transfer

Applicable Law

Other UN issuances (guidelines, policies etc.)

- Administrative Circular DT A/243-122 (Transfers of School Principals and Assistant School Principals)

UNAT RoP

- Article 18.1

UNAT Statute

- Article 2.1