

2018-UNAT-812, Abusondous

UNAT Held or UNDT Pronouncements

UNAT held that the UNRWA DT's finding that, while ASC No. A/04/2010 did not provide a right to Mr Abusondous to receive an AAA, he did have an expectation that the Agency would "properly exercise its discretion to grant an AAA and [would] be fair in its dealings with him", was correct. UNAT found no fault with the reasoning that the Agency's justification of the decision not to appoint Mr Abusondous as Officer-in-Charge and not to grant him an AAA, namely that the Agency would not have been able to meet the 120-day maximum period to fill the vacancy, was not a reasonable ground for the denial as the provision does not specifically preclude flexibility beyond the 120-day time limit. UNAT dismissed the appeal and affirmed the UNRWA DT judgment.

Decision Contested or Judgment/Order Appealed

Mr Abusondous contested the decisions not to assign him as Acting P-5 Chief of Safety and Security Division, and not to pay him an Acting Appointment Allowance (AAA). UNRWA DT found that the Agency's refusal to grant an AAA to Mr Abusondous was unlawful. UNRWA DT awarded payment of the applicable AAA and rejected all other requests.

Legal Principle(s)

When UNRWA DT is examining the validity of the Commissioner-General's exercise of discretion in administrative matters, it is tasked to examine whether the exercise of such discretion is legal, rational, reasonable, and procedurally correct, among other things, so that it does not lend to unfairness, unlawfulness or arbitrariness.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Absondous

Entity

UNRWA

Case Number(s)

2017-1100

Tribunal

UNAT

Registry

New York

Date of Judgement

22 Mar 2018

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

TEST -Rename- Benefits and entitlements-45

Applicable Law

Other UN issuances (guidelines, policies etc.)

- UNRWA Area Staff Circular A/04/2010