# 2018-UNAT-818, Kawamleh

UNAT Held or UNDT Pronouncements

UNAT held that the issues relating to the conduct of the first test were of no relevance to the appeal and had no legal consequence because the first test and the proposed selection exercise had been cancelled. UNAT agreed with UNRWA DT that a selection process may only be challenged in the context of an appeal against the outcome of that process. UNAT found that UNRWA DT did not err in dismissing the first three grounds of the application. With respect to the second test, UNAT agreed with the finding of UNRWA DT that the Appellant was unable to contest the Agency's decision to conduct a second selection exercise for the same post since he had decided and expressly stated that he would not participate in the second written test. UNAT held that since no illegality was found, there was no justification for the award of any compensation or moral damages. UNAT dismissed the appeal and affirmed the UNRWA DT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decisions: 1) to manually include other candidates and overrule the computer's automatic short-list for the post of Deputy Head of Field Logistics Officer; 2) to conduct the first written test without participation of the hiring department; 3) to subsequently cancel the first written test; and 4) to conduct a second written test for the same post. UNRWA DT dismissed the application in its entirety.

Legal Principle(s)

A selection process may only be challenged in the context of an appeal against the outcome of that process.

Outcome
Appeal dismissed on merits
Full judgment
[Full judgment](#)
Applicants/Appellants
Kawamleh
Entity
UNRWA
Case Number(s)
2017-1107
Tribunal
UNAT
Registry
New York
Date of Judgement
22 Mar 2018
Language of Judgment
English
Issuance Type
Judgment
Categories/Subcategories
Jurisdiction / receivability (UNAT)
Subject matter (ratione materiae)
Staff selection (non-selection/non-promotion)

Written test
Applicable Law
UNAT Statute

- Article 2.1