

2018-UNAT-837, Isteti

UNAT Held or UNDT Pronouncements

UNAT considered the appeal, which was not accompanied by a legal brief explaining the basis of the appeal. UNAT noted that the Appellant failed to identify by citation to any provision in Article 2. 1 of the Statute, the grounds for his appeal, and was required to do so. Accordingly, UNAT found the appeal to be defective and not allowed. UNAT dismissed the appeal and affirmed UNRWA DT's judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested a second decision that his position would not be extended past him reaching the age of retirement. UNRWA DT held that the Agency was justified in refusing the Applicant's second request for an extension beyond his retirement age because his post was already advertised long before his second request. UNRWA DT held that the Applicant failed to offer evidence that he was subject to discrimination and noted that such discrimination could only exist if he was treated differently from individuals in the same circumstance. UNRWA DT further held that the Applicant's argument that Jordanian law permits staff to remain in service until age seventy was without legal merit, as the Agency is not bound by the laws of member states but is governed by its internal laws and regulations. UNRWA DT dismissed the application.

Legal Principle(s)

A party appealing a judgment of a first instance tribunal (the UNDT or UNRWA DT) will not succeed in having the judgment reversed, modified, or the case remanded unless the appeal challenges the impugned judgment on one or more of the grounds referred to in Article 2(1)(a) to (e) of the Statute.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Isteti

Entity

FESA

Case Number(s)

2017-1130

Tribunal

UNAT

Registry

New York

Date of Judgement

22 Mar 2018

President Judge

Judge Raikos

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNAT)

Appeal

Applicable Law

UNAT RoP

- Article 8.2

UNAT Statute

- Article 2.1