

2018-UNAT-853, Madi

UNAT Held or UNDT Pronouncements

UNAT considered the appeal and held that UNRWA DT's judgment was correct. UNAT found that UNRWA DT did not err in holding that the Agency's decision to deny the Appellant a fifth year of SLWOP was both lawful and reasonable. Further, UNAT held that the Appellant did not establish any grounds of appeal in this regard. UNAT also reiterated that the Appellant did not have an unconditional right to EVR and that the Agency had duly considered his request in accordance with the UNRWA Area Staff Rules and other relevant administrative issuances. UNAT also held that UNRWA DT rightly rejected the Appellant's claims of being discriminated against in the handling of his EVR request. UNAT dismissed the appeal in its entirety and affirmed UNRWA DT's judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to deny his request for SLWOP for a fifth year and the decision to deny his request for EVR. UNRWA DT found that the maximum duration of SLWOP was one year with a possibility of extension for a second year and that the Applicant had already been granted a total of four years and three months. UNRWA DT also held that the reasons to deny the request for EVR were legitimate and that the denial was a proper exercise of the Agency's broad discretion. UNRWA DT dismissed the application on the merits.

Legal Principle(s)

An appellant is obliged to bring their appeal within the parameters of Article 2(1) of the UNAT Statute by identifying specific grounds of appeal. UNRWA Area Staff Rule 109. 2 does not grant an unconditional right to Early Voluntary Retirement (EVR).

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Madi

Entity

UNAMID

Case Number(s)

2018-1141

Tribunal

UNAT

Registry

New York

Date of Judgement

29 Jun 2018

President Judge

Judge Murphy

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Administrative decision

Benefits and entitlements

Special leave (with or without pay)

Applicable Law

Other UN issuances (guidelines, policies etc.)

UNAT Statute

- Article 2.1

UNRWA Area Staff Rules

- Rule 109.2