

2018-UNAT-881, Mansour

UNAT Held or UNDT Pronouncements

UNAT considered the content of the Appellant's appeal, the UNRWA DT judgment, and the Appellant's request for compensation for material and moral damages and costs. UNAT found that the Appellant's appeal was defective in that it failed to identify any of the five grounds of appeal set out in Article 2(1) of the Statute as forming the legal basis of his appeal. UNAT also held that there was no error in the UNRWA DT's findings that the Administration's decision not to confirm the Appellant's appointment was solely based on his performance and that his allegations of harassment and discrimination were not supported by evidence. UNAT further held that, as there was no illegality, there could be no compensation for harm under Article 9(1)(b) of the UNAT statute. UNAT also dismissed the Appellant's request for costs because the Commissioner-General had not abused the proceedings. UNAT dismissed the appeal and affirmed UNRWA DT's judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision not to confirm his appointment. UNRWA DT rejected the Applicant's claim that the Agency did not give him any advice or guidance. UNRWA DT found no merit in the Applicant's claim that reports indicated that he had made significant progress. UNRWA DT also rejected the Applicant's contention that he had been assigned tasks that were not part of his job description. UNRWA DT further concluded that the Applicant's allegations of harassment and discrimination were not supported by the evidence and dismissed his application.

Legal Principle(s)

A party appealing a judgment of the UNRWA DT is unlikely to succeed in having the judgment reversed, modified, or the case remanded to the UNRWA DT 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

Mansour

Entity

UNRWA

Case Number(s)

2018-1174

Tribunal

UNAT

Registry

New York

Date of Judgement

26 Oct 2018

President Judge

Judge Knierim

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Compensation

Non-pecuniary (moral) damages

Non-renewal

Reason(s)

Separation from service

Expiration of appointment (see also, Non-renewal)

Applicable Law

UNAT Statute

- Article 2.1
- Article 8.2
- Article 9.1(b)