

2018-UNAT-887, Elayyan

UNAT Held or UNDT Pronouncements

UNAT considered the Appellant's Motion for Leave to Submit Additional Evidence, his appeal, and the Commissioner-General's cross-appeal. UNAT found that the Applicant did not demonstrate any exceptional circumstances that would justify the filing of any additional documentary evidence and denied his motion. UNAT held that the claim in Appellant's Appeal was not initially brought before UNRWA DT and could not be introduced for the first time before UNAT. UNAT held that the Commissioner-General's cross-appeal was entirely without merit and that UNRWA DT was correct to find that the irregularity "is of such significance as it could well have affected the outcome of the recruitment process" and that the decision not to select the Appellant must be rescinded. UNAT dismissed the appeal and cross-appeal.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to not select him for the post. UNRWA DT found that the Interview Panel had been composed in an irregular manner and ordered rescission of the decision.

Legal Principle(s)

The absence of a representative of the Recruitment Administrator with voting rights renders the composition of the Interview Panel irregular. Compliance with this requirement is not optional, as the intention of this provision is that the vote of the representative of the Recruitment Administrator will be one of the components of the Interview Panel's recommendation.

Outcome

Appeal dismissed on the merits; Cross-appeal dismissed on the merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Elayyan

Entity

UNRWA

Case Number(s)

2018-1180

Tribunal

UNAT

Registry

New York

Date of Judgement

26 Oct 2018

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Staff selection (non-selection/non-promotion)

Full and fair consideration

Interview

Applicable Law
UNAT Statute

- Article 2.5

UNRWA DT Statute

- Article 10.5