

2018-UNAT-894, B. Kosbeh et al.

UNAT Held or UNDT Pronouncements

Having decided that an oral hearing would not “assist in the expeditious and fair disposal of the case,” as required by Article 18(1) of the RoP, UNAT denied the Applicants’ request for one. UNAT also decided that the Appellants could not introduce additional evidence since that evidence had not been presented before UNRWA DT and no application had been made to UNAT to be allowed to submit that evidence on appeal. UNAT noted that an appeal is not receivable where an Applicant bypassed the jurisdiction of the first instance Judge, by directly lodging an appeal with the Appeals Tribunal against an impugned administrative decision, or by participating in an appeal filed by others who have litigated their cases before the first instance Tribunal. On the merits of the case, UNAT found that the UNRWA DT had not erred when it decided that the applicable law provides that parallel education allowance is limited to Agency staff members who supervise, lecture or otherwise perform duties under Agency authorized parallel education programmes and who are eligible to receive an Additional Assignment Allowance for such duties, which was not the case here. UNAT agreed with UNRWA DT in finding that the Agency is governed by its internal rules and regulations, not the national laws of its Member States, and the principle “equal pay for work of equal value” did not apply. UNAT rejected the appeal and affirmed the judgment of the UNRWA DT.

Decision Contested or Judgment/Order Appealed

The applicants contested the decision not to give them the parallel education allowance. UNRWA DT found two of the applications not receivable on the ground that they had failed to submit a timely request for review. UNRWA DT held that the other applicants were not eligible to receive a parallel education allowance. UNRWA DT also dismissed the contention that UNRWA staff should receive the same income as their counterparts in governmental universities and colleges, noting that the Agency is governed by its internal rules and regulations, not the national laws of its member states. The applications were dismissed in their entirety.

Legal Principle(s)

Parallel education allowance is limited to Agency staff members who supervise, lecture, or otherwise perform duties under Agency authorized parallel education programmes and who are eligible to receive an Additional Assignment Allowance for such duties.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

B. Kosbeh et al.

Entity

UNRWA

Case Number(s)

2018-1187

Tribunal

UNAT

Registry

New York

Date of Judgement

26 Oct 2018

President Judge

Judge Raikos

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Benefits and entitlements

Jurisdiction / receivability (UNAT)

Applicable Law

Other UN issuances (guidelines, policies etc.)

- UNAT Practice Direction No.1

UNAT RoP

- Article 10.1
- Article 18.1

UNAT Statute

- Article 2.1
- Article 2.5
- Article 8.3