

# **2019-UNAT-905, Ghusoub**

## UNAT Held or UNDT Pronouncements

UNAT rejected the UNRWA Commissioner-General's submission that the appeal was defective because it failed to identify any of the grounds of appeal prescribed by Article 2(1) of the UNAT Statute. UNAT held that the Appellant's ground of appeal was without merit. UNAT held that the Commissioner-General was obliged to calculate the Appellant's retirement benefits in accordance with the new Staff Rule and did so correctly. UNAT held that UNRWA DT did not commit any error of fact and law in arriving at its decision. UNAT dismissed the appeal and affirmed the UNRWA DT judgment.

## Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to calculate her retirement benefits according to the Occupational Health Salary Scale. UNRWA DT found that UNRWA correctly applied the rules applicable at the material time of her recruitment. UNRWA DT further held that it was not entitled to examine the UNRWA Commissioner-General's authority in issuing Regulations and Rules and that the only way for an applicant to successfully challenge a UNRWA regulation or rule was to establish that the rule was in conflict with a higher principle established by the UN. UNRWA dismissed the application.

## Legal Principle(s)

In the interests of justice, it is appropriate for UNAT to make allowances for the fact that a staff member is not legally represented in its assessment of whether he or she has properly identified any grounds of appeal.

## Outcome

Appeal dismissed on merits

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Ghusoub

## Entity

UNRWA

## Case Number(s)

2018-1197

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

29 Mar 2019

## President Judge

Judge Lussick

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Benefits and entitlements

Pension (see also, UNJSPF)

Jurisdiction / receivability (UNAT)

Subject matter (*ratione materiae*)

## Applicable Law

UNAT Statute

- Article 2.1

UNRWA Area Staff Rules

- Rule 113.1