

2019-UNAT-974, Salah

UNAT Held or UNDT Pronouncements

UNAT held that the Appellant failed to identify grounds for his appeal. UNAT held that the Appellant's case was fully and fairly considered. UNAT held that UNRWA DT correctly based its conclusion about the legality of the termination decision on the medical assessment by the medical board and without medical findings of its own. UNAT held that the decision to terminate the Appellant's appointment on medical grounds was a reasonable and valid exercise of UNRWA's discretion. UNAT held that the Appellant did not meet the burden of proof of demonstrating an error in the impugned judgment such as to warrant its reversal. UNAT held that new issues raised by the Appellant were not receivable, as they were not brought before UNRWA DT and could not be introduced for the first time for consideration by UNAT. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to terminate his fixed-term appointment on medical grounds. UNRWA DT dismissed his application, finding that no reasons had been advanced to show that the termination decision was the product of substantive or procedural irregularity.

Legal Principle(s)

The appeals procedure is of a corrective nature, and it is not an opportunity for a dissatisfied party to reargue his or her case. UNAT can only review the recommendation of a medical board if there is evidence of improper motive or some substantive or procedural irregularity. An appellant has the burden of satisfying UNAT that the judgment he or she seeks to challenge is defective.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Salah

Entity

UNRWA

Case Number(s)

2019-1275

Tribunal

UNAT

Registry

New York

Date of Judgement

25 Oct 2019

President Judge

Judge Raikos

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNAT)

Subject matter (ratione materiae)

Termination (of appointment)

Health reasons

Applicable Law

Agreements, conventions, treaties (etc.)

- Special Agreement between the UN and UNRWA

UNAT Statute

- Article 2.1
- Article 2.1(e)

UNRWA Area Staff Rules

- Rule 104.4
- Rule 106.2
- Rule 109.7