

2021-UNAT-1084, Al Najjar

UNAT Held or UNDT Pronouncements

UNAT held that the staff member's appeal was defective because she did not specify which errors were committed by UNRWA DT in arriving at its Judgment. However, given that the staff member was not legally represented, UNAT went on to review the merits of the appeal. UNAT held that UNRWA DT did not err when it held that the staff member did not have any right to be appointed and that the recommendation from the HR Head did not mature into an enforceable right. Second, UNAT held that there was no entitlement to receive overtime pay since overtime must be authorized in advance and duly recorded in accordance with established procedures.

Decision Contested or Judgment/Order Appealed

A staff member was not appointed as a Member of the Provident Fund Humanitarian, Repayable Withdrawal Committee (the Committee). She was recommended by the Head of the Field Human Resources Office (the HR Head) to be a Member of the Committee, but the Director of Operations, who made the final selection, did not ultimately choose her. Given that membership to the Committee would have been outside her regular work hours, the staff member would have accrued over time, if she had been selected. She challenged the decision of the Administration not to appoint her to the Committee. UNRWA DT found her application not receivable *ratione materiae* because the nomination from the HR Head was nothing more than a recommendation, and the staff member could not derive any rights from such recommendation. Thus, because the staff member was never appointed to the Committee and because she did not have any specific right to such appointment, the decision not to appoint her did not produce any direct legal consequences affecting her terms and conditions of employment.

Legal Principle(s)

On appeal, an appellant must identify his or her grounds of appeal as required by the UNAT Statute. The appellant has the burden to demonstrate that the impugned judgment is defective and must identify the specific errors allegedly committed by the Dispute Tribunal. A recommendation to become a member of a committee does not mature into an enforceable right affecting the terms and conditions of employment. There is no blanket entitlement to receive overtime pay given that overtime must be authorized in advance by the Administration.

Outcome

Appeal dismissed on receivability

Outcome Extra Text

UNAT dismissed the appeal and affirmed the UNRWA DT judgment.

Full judgment

[Full judgment](#)

Applicants/Appellants

Al Najjar

Entity

UNRWA

Case Number(s)

2020-1395

Tribunal

UNAT

Registry

New York

Date of Judgement

19 Mar 2021

President Judge

Judge Sandhu

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Administrative decision
Definition

Applicable Law

UNAT Statute

- Article 2.1

UNRWA Personnel Directives

- PD A/3

Related Judgments and Orders

2010-UNAT-081

2010-UNAT-058

2014-UNAT-457

2014-UNAT-404

2010-UNAT-051

2020-UNAT-1019