

# **2021-UNAT-1096, Emile Abdel Rahman Dabbour**

## **UNAT Held or UNDT Pronouncements**

UNAT held that UNRWA DT erred in law or in failing to take into account in that calculation the probable length of Mr Dabbour's tenure in that role which was known to have been of a fixed duration of three years. UNAT held that, although the UNRWA DT in Mr Dabbour's case had recorded its conclusions on some of these considerations, it did not do so at all in respect of others making it difficult, if not impossible, to ascertain objectively how it reached the apparently modest figure of compensation in lieu of rescission of USD 1,000. UNAT held that there was nothing to indicate why UNRWA DT did not address these essential criteria and how it arrived at the compensatory figure it did.

## **Decision Contested or Judgment/Order Appealed**

The decision to not select Mr Dabbour for the post of Area Registration Officer.

## **Legal Principle(s)**

The wrong suffered by the staff member being the same, it is incumbent on UNRWA DT to ensure that the remedies provided and from which the Commissioner-General selects one (invariably monetary compensation) have an equivalent beneficial compensatory effect for the staff member. The applicable considerations in setting the amount of alternative compensation include the nature of the procedural irregularities, the likelihood of the staff member being selected for the post in question had the irregularities not occurred, the number of short-listed candidates, and the staff member's ranking among them, the nature of the appointment, and the difference in income, if any, between the post previously or currently encumbered.

## Outcome

Appeal granted in part

## Outcome Extra Text

Appeal granted in part, Judgment No. UNRWA/DT/2020/030 was vacated, and the case was remanded to UNRWA DT to quantify the figures for the compensatory award and disclose them in a further judgment.

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Emile Abdel Rahman Dabbour

## Entity

UNRWA

## Case Number(s)

2020-1421

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

19 Mar 2021

## President Judge

Judge Colgan

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Compensation

In-lieu compensation

Staff selection (non-selection/non-promotion)

## Applicable Law

UNRWA Area Staff Rules

- Rule 103.3

UNRWA DT Statute

- Article 10.5

## Related Judgments and Orders

2017-UNAT-723