

# 2021-UNAT-1124, Commissioner-General of UNRWA

## UNAT Held or UNDT Pronouncements

UNAT found that the UNRWA DT did not err in concluding that the Agency had failed to observe its own regulatory framework and failed to act lawfully, reasonably and fairly in exercising its discretion. The discretion of the Commissioner-General to reject a request for these benefits such as EVS is not unfettered.

## Decision Contested or Judgment/Order Appealed

UNRWA/DT/2020/037, in which UNRWA DT rescinded the decision to deny Mr. Othman's request for exceptional voluntary separation (EVS) and awarded him an amount equivalent to his standard retirement benefits less any separation benefits already paid following his resignation.

## Legal Principle(s)

The Commissioner-General established the criteria and priorities in writing in ACS A/6/2018 which is part of the regulatory framework. That framework (including ASC A/6/2018) does not state that not being on SLWOP or the essential nature of the post or the abolishment of the post are criteria for receiving EVS or to be used as factors in prioritizing EVS applications.

## Outcome

Appeal dismissed on merits

Outcome Extra Text

Appeal dismissed; UNRWA DT Judgment affirmed.

## Full judgment

[Full judgment](#)

Applicants/Appellants

Commissioner-General of UNRWA

Entity

UNRWA

Case Number(s)

2020-1442

Tribunal

UNAT

Registry

New York

Date of Judgement

25 Jun 2021

President Judge

Judge Sandhu

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

TEST -Rename- Benefits and entitlements-45

Exceptional Voluntary Separation (EVS)

Applicable Law

Former Staff Rules

- Rule 109.15

UNRWA Area Staff Circulars

- Circular A/6/2018

UNRWA Personnel Directives

- PD A/9/Rev.10

Related Judgments and Orders

2020-UNAT-1029