

2021-UNAT-1139, Jihad AbduGhani Oneis, Diab El-Tabari and Walid Abdullah

UNAT Held or UNDT Pronouncements

UNAT held that UNRWA DT erred in law by not taking account of evidence implying strongly that there had been an administrative decision by UNRWA not to pay allowances to those who claimed them as their entitlement, and therefore concluding wrongly that there was no evidence of an administrative decision affecting the Appellant's rights. However, UNAT held that the UNRWA DT's Judgment dismissing the Appellant's claim had to be upheld on grounds of lateness of their request for management evaluation. UNAT dismissed the appeals and upheld the UNRWA DT Judgment.

Decision Contested or Judgment/Order Appealed

The Appellants contested the decision not to receive their challenges to UNRWA's refusal or failure to pay salary allowances to them. UNRWA DT concluded that, as the Appellant's had failed to prove that they had requested payment of the allowances, UNRWA had not made a reviewable administrative decision. UNRWA DT dismissed the applications as not receivable *ratione materiae*.

Legal Principle(s)

UNAT is limited by statute to certain grounds of appeal. UNAT is not competent to determine substantive issues which have not been examined by a first instance body.

Outcome

Appeal dismissed on receivability

Outcome Extra Text

N/A

Full judgment

[Full judgment](#)

Applicants/Appellants

Jihad AbduGhani Oneis, Diab El-Tabari and Walid Abdullah

Entity

UNRWA

Case Number(s)

2020-1445

Tribunal

UNAT

Registry

New York

Date of Judgement

29 Jun 2021

President Judge

Judge Colgan

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

TEST -Rename- Benefits and entitlements-45

Salary

Jurisdiction / receivability (UNAT)

Appeal

Jurisdiction / receivability (UNDT or first instance)

Management Evaluation

Subject matter (ratione materiae)

Applicable Law

Universal Declaration of Human Rights

- Article 23.2