

2021-UNAT-1141, Najway Yusef, Imad El Manasri, Rabie Abdulghani

UNAT Held or UNDT Pronouncements

UNAT noted that, although the appeal was technically inadequate because the Appellants had failed to specifically identify the errors allegedly committed by the UNRWA DT, it had previously recognised that if an appellant was not legally represented some latitude may be allowed in the interests of justice. Accordingly, UNAT held that it would review the merits of the appeal. UNAT held that the UNRWA DT erred on a question of fact that resulted in a manifestly unreasonable decision by failing to consider the full application and the question of when the Appellants received notification of the administrative decision. UNAT held that UNRWA DT erred in fact in finding that the Appellants should have reasonably known all relevant facts of the contested decision by 31 March 2019 because the finding was based on an inaccurate and incomplete review of the evidence. UNAT held that UNRWA DT erred finding the applications not receivable *ratione materiae*. UNAT remanded the cases to UNRWA DT for additional findings of fact and vacated the UNRWA DT Judgment.

Decision Contested or Judgment/Order Appealed

The Appellants contested the decision to not grant them additional allowances after a salary survey. UNRWA DT dismissed their applications as not receivable for failure to file a timely request for decision review.

Legal Principle(s)

UNRWA DT must determine the date of the implied decision based on objective elements that both parties (the Administration and the staff member) can accurately determine.

Outcome

Case remanded

Outcome Extra Text

N/A

Full judgment

[Full judgment](#)

Applicants/Appellants

Najway Yusef, Imad El Manasri, Rabie Abdulghani

Entity

UNRWA

Case Number(s)

2020-1468

Tribunal

UNAT

Registry

New York

Date of Judgement

25 Jun 2021

President Judge

Judge Sandhu

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Administrative decision

Notification

Jurisdiction / receivability (UNDT or first instance)

Subject matter (ratione materiae)

Applicable Law

UNAT Statute

- Article 2.10
- Article 2.5
- Article 4
- Article 5

Related Judgments and Orders

2020-UNAT-1019

2010-UNAT-051

2010-UNAT-058

2012-UNAT-273

2014-UNAT-406

2015-UNAT-588

2021-UNAT-1107

2010-UNAT-030