

2022-UNAT-1211, Alaa Skheileh

UNAT Held or UNDT Pronouncements

The staff member applies for revision of Judgment on account that both he and UNAT were unaware of various UNRWA DT Judgments dealing with service-incurred injury cases. UNAT rejected the application for revision on account that the nature of the injury, whether service-incurred or not, had no bearing on whether the staff member was debarred from receiving compensation. The reason he was denied compensation was because he did not assign his right of action, not because of the nature of his injury, service-incurred or not. Furthermore, UNAT also reasoned prior UNRWA DT judgments do not constitute “decisive facts” which were unknown.

Decision Contested or Judgment/Order Appealed

UNRWA appealed the Judgment of the UNRWA DT that granted a staff member’s request for reimbursement of unauthorized medical expenses incurred in Germany. Although the UNDRWA DT found that the staff member failed to obtain prior authorization before seeking medical treatment in Germany, it nevertheless found that special circumstances warranted reimbursement. The Agency appealed on the basis that the staff member was debarred from receiving compensation on account that he failed to assign his right of action to the Organization, after he obtained a favorable judgment or settlement. UNAT agreed and found that the staff member was indeed debarred from compensation pursuant to Area Staff Rule 106.4 (15). The ratio decidendi of the Judgment of the Appeals Tribunal had nothing to do with the nature of the injury suffered, whether service-incurred or not. UNAT reached its conclusion following the applicable law that the staff member was debarred from receiving compensation as he did not assign his right of action. UNAT did not disturb the finding that the injury was service-incurred.

Legal Principle(s)

Prior judgments do not constitute “decisive facts” that were unknown to a party and the Tribunal. A party seeking revision must show: (1) a new fact which, at the time the judgment was rendered, was unknown to the Appeals Tribunal and to Applicant; (2) such ignorance was not due to the negligence of the Applicant; and (3) the new fact would have been decisive in reaching the original decision.

Outcome

Revision, correction, interpretation or execution

Outcome Extra Text

Application for revision of Judgment No. 2021-UNAT-1085 dismissed.

Full judgment

[Full judgment](#)

Applicants/Appellants

Alaa Skheileh

Entity

UNRWA

Case Number(s)

2021-1548

Tribunal

UNAT

Registry

New York

Date of Judgement

18 Mar 2022

President Judge

Judge Murphy

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Revision of Judgment

Judgment-related matters

Applicable Law

UNAT Statute

- Article 11.1

UNRWA Area Staff Rules

- Rule 106.4

Related Judgments and Orders

2021-UNAT-1085

2013-UNAT-352