

2022-UNAT-1235, Wissam Zeid

UNAT Held or UNDT Pronouncements

Mr. Zeid appealed. As a preliminary matter, UNAT dismissed Mr. Zeid's request for an oral hearing finding that the factual and legal issues arising from the appeal had already been clearly defined by the parties; and that an oral hearing would not "assist in the expeditious and fair disposal of the case". UNAT held that the UNRWA DT correctly found that there was no evidence of a request for decision review, that the e-mail exchanges whereby Mr. Zeid had made inquiries regarding the reasons for the contested decision were not a request for decision review, but rather were informal attempts to obtain further clarification with respect to the contested decision. UNAT rejected Mr. Zeid's argument that because unsuccessful external candidates for the post did not have to file a request for decision review, nor should he. UNAT held that as a staff member, Area Staff Rule 111.1(2) did apply to Mr. Zeid's case. Accordingly, UNAT dismissed the appeal.

Decision Contested or Judgment/Order Appealed

Mr. Zeid, Registrar and Alumni Officer in the Education Department at the Siblin Training Centre, Lebanon Field Office, challenged UNRWA's decision not to shortlist him for the post of Principal, Grade 17. By Judgment No. UNRWA/DT/2021/024, the UNRWA DT dismissed the application as not receivable ratione materiae in the absence of a timely request for decision review.

Legal Principle(s)

It has long been established in the Appeals Tribunal's jurisprudence that a request for decision review/management evaluation is a mandatory first step in the appeal process. Being a mandatory first step before coming to the internal justice system, the request for management evaluation or decision review provides the Administration with the opportunity to reassess the situation and correct possible

mistakes or errors with efficiency without the need of judicial intervention. The tribunals have no jurisdiction to waive deadlines for requests for management evaluation or decision review. This jurisprudence is in full accordance with the applicable legal framework set out in the UNRWA DT Statute, particularly Article 8.

Outcome

Dismissed on merits

Outcome Extra Text

The appeal is dismissed and Judgment No. UNRWA/DT/2021/024 is affirmed.

Full judgment

[Full judgment](#)

Applicants/Appellants

Wissam Zeid

Entity

UNRWA

Case Number(s)

2021-1581

Tribunal

UNAT

Registry

New York

Date of Judgement

5 Jul 2022

President Judge

Judge Halfeld

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Management Evaluation

Oral hearings

Subject matter (ratione materiae)

Jurisdiction / receivability (UNDT or first instance)

Procedure (first instance and UNAT)

Applicable Law

UNAT RoP

- Article 18.1

UNAT Statute

- Article 8.3

UNRWA Area Staff Rules

- Rule 111.2
- Rule 111.3
- Rule 111.1
- Rule 111.4

UNRWA DT Statute

- Article 8.1(c)

Related Judgments and Orders

2022-UNAT-1234

2016-UNAT-654

2013-UNAT-293

2016-UNAT-699

2015-UNAT-521

2013-UNAT-349

2016-UNAT-695

2014-UNAT-402

2021-UNAT-1149