

# 2023-UNAT-1349, Said Ali Tamalawi

## UNAT Held or UNDT Pronouncements

The UNAT considered an appeal by the staff member.

The UNAT found that, in his appeal, the staff member failed to state the grounds of appeal, identify the defects of the impugned judgment and demonstrate on which grounds it was erroneous.

The UNAT noted that, in reaching its conclusion, the UNRWA DT found that the staff member admittedly did not submit a request for decision review. The UNRWA DT did not err when it found that the staff member's application was on that basis not receivable *ratione materiae*.

The UNAT dismissed the appeal and affirmed Judgment No. UNRWA/DT/2022/022.

## Decision Contested or Judgment/Order Appealed

A staff member contested the decision to impose on him the disciplinary measures of a written censure, a fine equivalent to two months' salary and deferment of eligibility for promotion for a period of one year for inflicting corporal punishment against a student.

In Judgment No. UNRWA/DT/2022/022, the UNRWA DT dismissed the application as not receivable.

## Legal Principle(s)

As a general rule, a party must submit their arguments in their appeal brief and not after it. Additional arguments can only be filed in limited situations where exceptional circumstances are presented.

The Appeals Tribunal is not a forum for a party to reargue the case without identifying the defects and demonstrating on which grounds an impugned judgment is erroneous.

A summary judgment may be issued by the UNRWA DT when there is no dispute concerning the material facts and the moving party is entitled to judgment as a matter of law.

Unlike the Staff Rules of the United Nations, the UNRWA Statute and Area Staff Rules provide no exemption from the general requirement of requesting decision review or management evaluation being a mandatory first step in the appeal process.

## Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Said Ali Tamalawi

Entity

UNRWA

Case Number(s)

2022-1717

Tribunal

UNAT

Registry  
New York  
Date of Judgement  
6 Jul 2023  
President Judge  
Judge Halfeld  
Language of Judgment  
English  
Issuance Type  
Judgment  
Categories/Subcategories  
Jurisdiction / receivability (UNAT)  
Jurisdiction / receivability (UNDT or first instance)  
Procedure (first instance and UNAT)  
Applicable Law  
Staff Rules  
UNAT RoP  
UNAT Statute  
UNRWA Area Staff Rules  
UNRWA DT RoP  
UNRWA DT Statute  
Related Judgments and Orders  
2017-UNAT-711  
2015-UNAT-540  
2018-UNAT-833  
2022-UNAT-1246  
2016-UNAT-654  
2013-UNAT-369  
2013-UNAT-293  
2016-UNAT-699  
2015-UNAT-521  
2013-UNAT-349  
2016-UNAT-695  
2014-UNAT-402  
2021-UNAT-1149