

# **2023-UNAT-1396, Sahar Darweesh Hanjoury**

## **UNAT Held or UNDT Pronouncements**

The UNAT held that the Appellant's travel was not authorized pursuant to Staff Rule 7.10 because she had just one approved day of annual leave on 24 June 2021 followed by a period of R&R from the 12 July to 16 July 2021. The UNAT also found that the Administration took the appropriate action by sending her on 25 July 2021 an e-mail reminding her that all the international staff members had to submit their Sudanese visa renewal application in a timely manner. The UNAT held that the events that delayed the Appellant's return to her duty station could not be construed as force majeure as they did not amount to unforeseen circumstances. On the contrary, these events were known or ought to have been known by the Appellant and were quite preventable.

The UNAT held that the Appellant's allegation of being treated differently from other staff members on the same flight was untenable, as she did not establish any error in the impugned Judgment in support of her claim of discrimination.

The UNAT held that the Appellant could not rely on the screenshot of her leave overview in UMOJA to justify her claim that her travel was pre-authorized as she never sought leave to file this additional evidence. Therefore, she did not address whether there were any exceptional circumstances permitting the introduction of such additional evidence. Moreover, the UNAT held that the admission of such additional evidence would not be in the interest of justice and the efficient and expeditious resolution of the proceedings.

Last, the UNAT rejected the Appellant's claim for moral damages as no illegality has been established.

The UNAT dismissed the appeal and affirmed Judgment No. UNDT/2022/121.

## Decision Contested or Judgment/Order Appealed

The Appellant, a staff member of the United Nations Interim Security Force for Abyei (UNISFA), contested the decision of the Administration not to pay her daily subsistence allowance (DSA) for 23 days, from 24 August to 24 September 2021, during her stopover in Khartoum, Sudan. In its Judgment No. UNDT/2022/121, the UNDT concluded that the decision not to pay her DSA was lawful and dismissed her application.

## Legal Principle(s)

DSA is paid only for authorized or official travel or exceptionally in cases of other travel during stopovers under conditions established by the Secretary-General.

The UNAT may receive additional documentary evidence in exceptional circumstances and if it is in the interest of justice and the efficient and expeditious resolution of the proceedings. The party that wants to introduce such evidence should apply for leave to file additional evidence under Article 2(5) of the Appeals Tribunal Statute.

Compensation cannot be awarded when no illegality has been established; it cannot be granted when there is no breach of the staff members' rights or administrative wrongdoing in need of repair.

## Outcome

Appeal dismissed on merits

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Sahar Darweesh Hanjoury

## Entity

UNISFA

## Case Number(s)

2023-1776

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

4 Dec 2023

## President Judge

Judge Colgan

Judge Ziadé

Judge Forbang

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Benefits and entitlements

Daily Subsistence Allowance (DSA)

Evidence

Production of evidence

## Applicable Law

### Administrative Instructions

- ST/AI/2018/10

### Staff Rules

- Rule 7.10

### UNAT Statute

- Article 2.1
- Article 2.5

## Related Judgments and Orders

UNDT/2022/121

2021-UNAT-1089

2023-UNAT-1342

2020-UNAT-987

2021-UNAT-1082