

2024-UNAT-1435, Ali Mohammad Hammad

UNAT Held or UNDT Pronouncements

The Appeals Tribunal dismissed the appeal, finding that it was evident from a perusal of the appeal brief that Mr. Hammad did not argue that the UNRWA DT committed any error of fact or law. He merely presented the same arguments that he had already made in his application for revision before the UNRWA DT and failed to demonstrate how the UNRWA DT erred.

Decision Contested or Judgment/Order Appealed

Mr. Hammad initially filed an application before the UNRWA DT challenging the Agency's decisions: not to pay his salary from July 2017 to July 2019; and to deduct premiums previously paid by the Agency on his behalf for the Agency's Group Medical Insurance Policy between July 2017 and July 2019 from his salary from September 2019 to February 2021.

By Judgment No. UNRWA/DT/2022/020 of 31 May 2022, the UNRWA Dispute Tribunal dismissed the application.

Mr. Hammad filed an application for revision of judgment with the UNRWA Dispute Tribunal.

By Judgment No. UNRWA/DT/2023/022, the UNRWA dismissed the application for revision. The UNRWA DT found that Mr. Hammad had merely repeated the contentions he had made in his initial application and submitted three additional documents in support. The UNRWA DT found that the documents were not unknown to him at the time of the underlying judgment. The UNRWA DT further held that, in any case, those documents would not have changed the outcome on the case, and as such the conditions for a revision had not been met.

Mr. Hammad filed an appeal.

Legal Principle(s)

The Appeals Tribunal is established as the second instance of the two-tier formal system of administration of justice. According to Article 2(1) of its Statute, the role of the Appeals Tribunal is not to retry cases de novo, but to determine whether the judgment of the court of first instance made errors of law or fact resulting in a manifestly unreasonable decision, exceeded its jurisdiction or competence or failed to exercise its jurisdiction, or committed an error of procedure, such as to affect the decision of the case.

An appellant has the burden of satisfying the Appeals Tribunal that the judgment he or she seeks to challenge is defective.

The Appeals Tribunal may allow some latitude if an appellant is not legally represented. In such cases, the Appeals Tribunal may interpret that appellant's general words and phrases as a formulation of grounds for appeal. However, the stretch of this generous approach is not unlimited, nor can it reach the point where the Appeals Tribunal substitute itself for the appellant in identifying the grounds for appeal.

Outcome

Appeal dismissed on merits

Outcome Extra Text

The Appeals Tribunal dismisses the appeal and affirms the impugned Judgment No. UNRWA/DT/2023/022.

Full judgment

[Full judgment](#)

Applicants/Appellants

Ali Mohammad Hammad

Entity

UNRWA

Case Number(s)

2023-1813

Tribunal

UNAT

Registry

New York

Date of Judgement

7 May 2024

President Judge

Judge Sheha

Judge Ziadé

Judge Forbang

Language of Judgment

Arabic

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNAT)

Applicable Law

UNAT Statute

- Article 2.1

Related Judgments and Orders

2018-UNAT-849

2021-UNAT-1084