

2024-UNAT-1482, Maha Mohammad Issawi

UNAT Held or UNDT Pronouncements

The UNAT held that the former staff member had no legitimate expectation of renewal of her fixed-term appointment, as there was no evidence that the Administration had made any express promise that would have created such an expectation. On the contrary, the UNAT found that the Administration had properly informed all affected staff, including the former staff member, of the last date of the MADAD Project and advertised 15 clerical posts internally, inviting staff to apply for alternative positions. The UNAT further held that these actions should be viewed in light of the continuous efforts by the Agency to provide fixed-term staff with opportunities to transition to regular posts in anticipation of the end of the MADAD Project.

The UNAT found that the extension of Ms. Issawi's fixed-term appointment beyond its initial expiry date to provide additional time for the identification of possible transfer opportunities demonstrated that the Agency acted in good faith and could not be construed as an express promise that created an expectancy of renewal.

The UNAT also determined that Ms. Issawi was not entitled to a lateral transfer, noting that she failed to specify any humanitarian or personal reasons to justify transfer priority over her colleagues. Furthermore, she failed in her duty to cooperate with the Agency during the transfer exercise, as she did not apply for transfer within the stipulated deadline or take the written test for an advertised vacancy. The UNAT found no evidence of discrimination or bias in the transfer exercise.

The UNAT dismissed the appeal and affirmed Judgment No. UNRWA/DT/2023/043.

Decision Contested or Judgment/Order Appealed

UNRWA DT Judgment: A former staff member of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), assigned to serve on the MADAD Project, contested the decision of the Agency not to renew her fixed-term appointment following the end of the Project.

In its Judgment No. UNRWA/DT/2023/043, the UNRWA DT concluded that the contested decision was lawful and dismissed the staff member's application.

Former staff member appealed.

Legal Principle(s)

Fixed-term appointments carry no expectation of renewal or conversion, irrespective of the length of service of the staff member. As a result, separation from service due to the expiration of an appointment occurs automatically on the expiration date of that appointment. The renewal of a staff member's appointment on successive contracts does not, in itself, create an expectancy of renewal, unless the Administration has made an express promise that gave the staff member an expectancy that his or her appointment will be extended. Such promise must be based on a firm commitment to renewal revealed by the circumstances of the case and must be at least in writing.

It is lawful and reasonable for the Administration to expect staff members affected by a restructuring process to cooperate fully. If the Administration informs the affected staff members that they are expected to apply for suitable available positions, they are obliged to fully cooperate and make good faith effort in order for their applications to succeed. This includes a duty to apply within the deadlines and to respect the formal requirements.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Maha Mohammad Issawi

Entity

UNRWA

Case Number(s)

2024-1880

Tribunal

UNAT

Registry

New York

Date of Judgement

18 Nov 2024

President Judge

Judge Forbang

Judge Sheha

Judge Savage

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Fixed-term appointment

No expectancy of renewal
Oral hearings
Reassignment or transfer
Termination (of appointment)
Appointment (type)
Non-renewal
Procedure (first instance and UNAT)

Applicable Law

Other UN issuances (guidelines, policies etc.)

- Field Technical Instructions No. 01/2016 (Lateral Transfers Initiated at the Request of Staff, Lebanon Field Office)

UNAT RoP

- Article 18.1

UNAT Statute

- Article 2.5
- Article 8.2
- Article 8.3

UNRWA Area Staff Rules

- Rule 109.5

UNRWA Personnel Directives

Related Judgments and Orders

2022-UNAT-1234

2014-UNAT-411

2017-UNAT-780

2015-UNAT-522

2015-UNAT-580

2011-UNAT-138

2017-UNAT-768

2018-UNAT-847