

2024-UNAT-1503, Amjad Issa

UNAT Held or UNDT Pronouncements

The UNAT held that the UNRWA DT had appropriately concluded that Mr. Issa failed to submit a timely Request for Decision Review regarding the first of three months' non-payment of his salary. However, the UNAT held that, since each non-payment constitutes a separate administrative decision, Mr. Issa's Request for Decision Review regarding the second- and third-months' non-payment was timely, rendering his application partially receivable.

The UNAT further concluded however, that since Mr. Issa disregarded a directive circulated before his annual leave (when he was able to check his e-mail) asking him to report his intention to strike or not, and at no point between then and the end of the strike did he in fact report to work as he was permitted to do, there was no merit in his claim for restoration of his pay during the months in which he did not work.

Decision Contested or Judgment/Order Appealed

A staff member contested the decisions to place him on strike leave and withhold his salaries and related entitlements for three months.

In Judgment UNRWA/DT/2023/041, the UNRWA DT found that Mr. Issa's application was not receivable *ratione materiae*, as Mr. Issa failed to submit a Request for Decision Review on time.

Mr. Issa appealed.

Legal Principle(s)

Each non-payment to a staff member of every month constitutes a distinct administrative decision subject to review.

Outcome

Appeal dismissed on merits

Outcome Extra Text

Judgment No. UNRWA/DT/2023/041 is affirmed for different reasons.

Full judgment

[Full judgment](#)

Applicants/Appellants

Amjad Issa

Entity

UNRWA

Case Number(s)

2023-1870

Tribunal

UNAT

Registry

New York

Date of Judgement

18 Dec 2024

President Judge

Judge Ziadé

Judge Colgan

Judge Gao

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Definition

Subject matter (ratione materiae)

Administrative decision

Jurisdiction / receivability (UNDT or first instance)

Applicable Law

UNRWA Area Staff Rules

- Rule 111.2

UNRWA DT Statute

- Article 8.3

Related Judgments and Orders

2018-UNAT-877