

2025-UNAT-1513, Mohammed Almoghayer

UNAT Held or UNDT Pronouncements

The UNAT held that UNITAR was not obligated to terminate the staff member's appointment under paragraph 9(c) of AC/UNITAR/2019/05, which would have provided him with a termination indemnity. UNITAR was within its rights to place him on SLWOP pursuant to paragraph 9(f), to enable it to resolve the issue of funding with the donor for financing the staff member's position. The UNDT did not err in finding that UNITAR exercised its discretion properly, lawfully and reasonably.

The UNAT also affirmed the UNDT's finding that the former staff member had not met his burden of proof that he had suffered a work-related injury due to sitting in a stairwell as his workspace, when there is no evidence that this occurred more than once, or that this was pursuant to an instruction from the Organization. The UNDT did not err in failing to award him moral damages when there was no nexus between the harm suffered as described in his medical certificates and the alleged work-related injury.

The UNAT affirmed the UNDT Judgment.

Decision Contested or Judgment/Order Appealed

In Judgment No. UNDT/2023/138, the Dispute Tribunal rejected Mr. Almoghayer's application, in which he contested the decision of UNITAR to place him on Special Leave Without Pay (SLWOP) following the exhaustion of his leave entitlements and the failure by a donor to transfer the necessary funds for the project he was assigned to manage.

The former staff member appealed.

Legal Principle(s)

It is not the role of the first instance tribunal to consider the correctness of the choice made by the Administration amongst the various courses of action open to it, nor is it its role to substitute its own decision for that of the Administration.

An administrative decision to place a staff member on SLWOP has been recognized to have protective benefits, including to ensure that the individual remains a staff of the Organization.

Outcome

Appeal dismissed on merits

Outcome Extra Text

Full judgment

[Full judgment](#)

Applicants/Appellants

Mohammed Almoghayer

Entity

UNITAR

Case Number(s)

2024-1896

Tribunal

UNAT

Registry

New York

Date of Judgement

9 Apr 2025

President Judge

Savage

Judge Sandhu

Judge Forbang

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Congé spécial (avec ou sans solde)

Avantages et droits

Applicable Law

Administrative Instructions

- ST/AI/2005/3

Staff Rules

- Rule 5.3

Laws of other entities (rules, regulations etc.)

- AC/UNITAR/2019/05

Related Judgments and Orders

2013-UNAT-382

2022-UNAT-1225

2021-UNAT-1163

2019-UNAT-977

2015-UNAT-501

2024-UNAT-1409

UNDT/2023/138