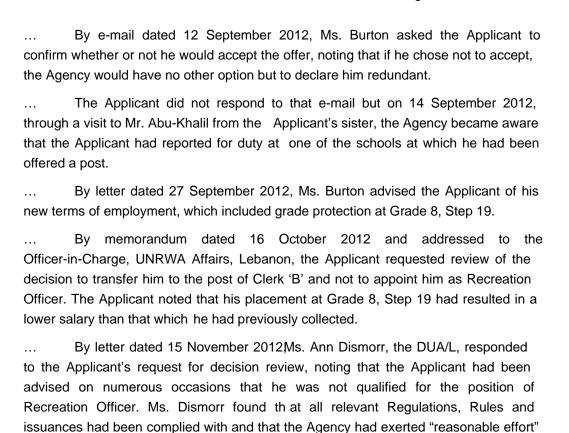


JUDGE RICHARD L

								Judgm	Judgment No. 2014-UNAT-458					
	Ву	memorandum	to	Ms.	Burton	dated	29	September	2011	and	titled			

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Submissions

Mr. Al-Moued's Appeal

- 4. Mr. Al-Moued submits that UNRWA's findings regarding the Audio-Visual Maintenance Course had not been shared with him and the lack of consultation rendered the decision to cancel the course improper.
- 5. Subsequently, UNRWA offered him positions which he was not qualified for, denied him the post of Recreation Officer which was the "closest to [his] qualifications", and reassigned him to a post with "lower salary, lower pension [c]ontributions, and increased transport costs".
- 6. Mr. Al-Moued also contends that the DUA/L did not review his case and that the response to his request for decision review was "mere rubber stamping".
- 7. As a result of the Administration's action, he suffered from frustration, stress, and

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Mr. Al-Moued's Observations

11.

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accordance with PD A/9. It went on to examine Mr. Al-Moued's claim of prejudice against him by the Lebanon Field Office and concluded that there was no evidence to establish any prejudice. Finally, the UNRWA DT found that the record showed that the response to his

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- 20. Mr. Al-Moued did not identify any of these grounds in his appeal. However, after receiving the Commissioner-General's answer to the appeal, Mr. Al-Moued stated in his observations that had he been asked to identify the grounds of appeal set out in Article 2(1) he would have done so, but since the matter was not raised, he had addressed the merits of the case. He disagreed with the Commissioner-General where the Commissioner-General cited a decision by the Appeals Tribunal that the appeals procedure is not an opportunity to reargue a case. According to him, "the whole reason for raising a case to a higher body is to argue the case".
- 21. Nevertheless, Mr. Al-Moued states that even though he had not been requested at any stage by the Commissioner-General to identify the grounds of appeal, the application is based on:
 - (i) the failure to exercise jurisdiction, "i.e. to provide a suitable post based on equivalency and training";
 - (ii) an error in procedure, such as to affect the decision of the case; and
 - (iii) errors of fact, resulting in a manifestly unreasonable decision; "i.e. provided a post not suitable with qualifications".
- 22. It appears that in naming these grounds, Mr. Al-Moued is referring to errors by the Commissioner-General, not the UNRWA DT.

Judgment No. 2014-UNAT-458 Mr. Al-Moued has failed to demonstrate that the UNRWA DT committed any error of 24.

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