

Translated from French

**UNITED NATIONS APPEALS TRIBUNAL
TRIBUNAL D'APPEL DES NATIONS UNIES**

El-Khatib

(Appellant)

v.

**Commissioner-General of the United Nations Relief and Works Agency for
Palestine Refugees in the Near East**

(Respondent)

JUDGMENT

[No. 2010-UNAT-029]

Before:	Judge Jean Courtial, Presiding Judge Inés Weinberg de Roca Judge Mark P. Painter
Case No.:	2010-034
Date:	30 March 2010
Registrar:	Weicheng Lin

Counsel for Appellant:	Bart Willemsen
Counsel for Respondent:	W. Thomas Markushewski

Judge Jean Courtial, Presiding Judge

Synopsis

1. On 30 June 2009, Ms. Amneh El-Khatib filed an application with the United Nations Administrative Tribunal contesting the decision of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (“the Agency”), dated 16 January 2009, to reject the administrative appeal in which she contested the withdrawal of the offer of appointment for the post of social worker which had been made to her on 28 November 2002. In her application, she also requested that the Agency should be ordered to pay her compensation for the loss of earnings resulting from the abandonment of her previous employment, and for the hardship caused by the delay in the Agency’s consideration of her administrative appeal. Since the Administrative Tribunal did not have time to rule on the case before it was abolished on 31 December 2009, the case was transferred to the United Nations Appeals Tribunal in accordance with General Assembly resolution 63/253 of 17 March 2009. After the Agency’s defence brief was communicated to her, the appellant submitted an application requesting that the brief should be removed from the file because it violated the rules of

rescinding the decision. Nonetheless, considering the fact that Ms. El-Khatib might have suffered some hardship by leaving her previous employment, the Commissioner-General also informed her that he had authorized the Department of Human Resources to enter into discussions with her in order to resolve the matter informally. He added that, in any event, she could still apply for any other post, provided it was in compliance with the relevant rules, particularly those dealing with family ties between staff members. The decision on the appeal was thus deferred. After efforts to achieve an informal resolution failed, the Commissioner-General decided on 16 January 2009 to reject the administrative appeal of Ms. El-Khatib, who acknowledged receipt of that decision on 9 February 2009.

Submissions

Appellant

6. The appellant's principal contention is that the withdrawal of the offer of appointment is not valid because by the date when it was made she had already returned her acceptance of the offer to the Agency, and a work contract had

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pursuant to article 7, paragraph 2, of the rules of procedure. Under these circumstances, the respondent has grounds