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performance. Maghari's request

Submissions

Maghari's Appeal

8. Maghari submits that due consideration was not given to the exceptional circumstances that compelled him to request early retirement. He argues that the decision by the FPO/J of 18 May 2005 should be considered invalid as it was not based on the UNRWA regulations and rules; rather it was based on the opinions and prompting of the officials in the Regional Education Department and the Jordan Area Office. He further submits that the decision of the Officer-in-Charge of UNRWA Operations, Jordan based on Jordan Field Circular No. J/17/97 was too hasty as a committee could have been formed to establish the circumstances under which he submitted his resignation.

9. With regard to the decision of the Commissioner-General, Maghari submits that the JAB did not properly consider the documents before it.

10. Maghari refers to Article 109.2 of the Area Staff Rules and Jordan Field Circular No. J/17/97, and submits that the Circular is ambiguous and prejudicial to staff rights.

11. Maghari requests that this Court annul the decision of the FPO/J of 18 May 2005, the decision of the Officer-in-Charge of UNRWA Operations, Jordan, of 29 June 2005, and the decision of the Commissioner-General of 14 May 2008. He also seeks compensation for the loss of salary for the period from 20 May 2005 to 31 December 2007, the date of his retirement at the age of 60, and the expenses relating to his early retirement, and compensation for psychological suffering and damage to his social standing.

Commissioner-General's Answer

12. The Commissioner-General submits that there was no administrative decision to be reviewed by the JAB because it was Maghari's unilateral decision to leave service by early voluntary retirement.

13. In the event that the Appeals Tribunal finds that the dismissal of Maghari's appeal was not free from error, the Commissioner-General submits that the discretionary authority of UNRWA not to accept the withdrawal of Maghari's resignation under Jordan

Judgment

24. The decision by the Commissioner-General that there was no error in rejecting Maghari's withdrawal letter is therefore affirmed. Maghari's claim for compensation is dismissed. The appeal is dismissed.

Dated this 1st day of July 2010 in New York, United States.

Original: English

(Signed)

(Signed)

Judge Adinyira, Presiding