



**JUDGE KANWALDEEP SANDHU, PRESIDING.**

1. The Appellants, Najwa Yusef, Imad El Manasri, and Rabie Abdulghani, Senior Vocational Training Instructors with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA or Agency), contest the Agency's decision to not grant them additional allowances after a salary survey (the administrative decision).

2. In Judgment No. UNRWA/DT/2020/046 (the Judgment), the UNRWA Dispute Tribunal (UNRWA DT) held their applications were not receivable as they did not file a timely request for decision review within the 60 calendar days as required by Area Staff Rule 111.2. The UNRWA DT held the Appellants knew of the administrative decision by 30 March 2019 and therefore had until 30 May 2019 to submit their request for decision review. Unfortunately, the requests for decision review were neither dated nor signed and the UNRWA DT relied on the date the Agency received the requests as date stamped on 3 June 2019 as the date of submission. The issue is whether the UNRWA DT erred in determining that the Appellants submitted their requests for decision review late based on the date the Agency received the requests.

3. For reasons set out below, we grant the appeal and remand the matter to the UNRWA DT to obtain additional evidence to make additional findings of fact pursuant to Articles 4 and 5 of the United Nations Appeals Tribunal Statute (the Statute). We note that there are other appeals that relate to the payment of these additional allowances to LFO staff, however, those appeals relate to different staff members and to different issues.<sup>1</sup>

**Facts and Procedure**

4. The following are facts as found by the UNRWA DT in its Judgment.

5. At the relevant times, each of the Appellants were employed by UNRWA as Senior Vocational Training Instructors, Grade 12 at Sinlin Training Centre (STC), Lebanon Field Office (LFO).

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<sup>1</sup> Jihad AbdulGhani Oneis, Diab el-Tabari and Walid Abdullah v. Commissioner -General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, Judgment No. 2021-UNAT-1139.

6. UNRWA requested the United Nations Office for Project Services to conduct a salary survey for the LFO. The survey was conducted in October and November 2018.

7. As a result of the survey, in March 2019, UNRWA decided to grant an allowance of USD 167.00 or USD 190.00 per month, depending on the grade, to all LFO staff members effective 1 January 2019.

8. Additional allowances of varying amounts (but not exceeding USD 160.00 per month) were granted to staff members encumbering certain types of specific posts. The Appellants were not given an additional allowance.

9. In their application to the UNRWA DT the Appellants indicated that they submitted their request for decision review in May 2019. The UNRWA DT ordered each applicant to submit further evidence establishing the date of submission of the request for decision review as the requests the applicants provided to the UNRWA DT were neither dated nor signed. The Agency provided copies of the requests for decision review that they say were received 3 June 2019 and were stamped accordingly.

10. May

**Submissions**

**Appellants' Appeal**

12. The Appellants request the Appeals Tribunal to reverse the Judgment and grant them the teaching allowance effective January 2019.

13. They state that there was no clear circular by the Agency excluding Senior Instructors from the allowance and they only learned they were excluded in their March 2019 pay slips which they checked "early in April 2019."

14. The Appellants say the Agency did not include the Senior Instructors in the teaching allowance as an oversight and that decision to provide allowances was of a general nature but not implemented in a "general manner"

19. The Respondent submits that the Appellants failed to identify an error or defect in the impugned Judgment as required by Article 2 of the United Nations Appeals Statute. They merely disagreed with the outcome and reargue their case which is not sufficient for meeting their burden as appellants to identify an error.

20. The Respondent says the Appellants reassert their mere assertions of fact made to the UNRWA DT on tha0.0(T)4(m)1.2(o)e0.8 (o3eP0.0024MCID 6 BDC -0.002 Tce002 Tw -21.164 -2s21.164 -)e

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question “4. The date on which you were notified of the decision:” they indicated “April 2019”. The March 2019 “decision” of the Administration would be the implementation of additional allowances for staff members encumbering certain types of specific posts as a result of the salary survey. The Dispute Tribunal failed to consider the full application and the question of when the Appellants received “notification of the administrative decision to be contested (see Staff Rule 111.2(3)).

33. The UNRWA DT application answers seem to be contradictory to the Requests for Decision Review forms that were previously submitted. In those Requests, the Appellants were asked to answer the question “When was the decision taken/when did you become aware of it?”, and they all indicated “March 2019”. However, this encompasses two separate questions and it is unclear whether this single answer is to the question of when the decision was taken (if so, it is consistent with the UNRWA DT applications) or when they became aware of it. However, given the Appellants’ evidence that they became aware of the lack of allowance in early April 2019 after a review of their March 2019 pay slips, the reasonable interpretation is that the answer to that question in the Requests was an answer to when the decision was taken, i.e., in March 2019. If, however, that was not the date on which the Appellants became aware of or were notified of the decision, then it is that later date that is crucial for time limitation (th)2.2 (e)-4 ( a)0.7 (nsw)-1.3 (e)-6oe.557 EMC /



allowance. There is no evidence that the Agency provided a written circular or communications excluding senior instructors from the teaching allowance. The Appellants says that they became aware of the exclusion “through (the) March pay slip which we checked early in April 2019.” There is no evidence as to when they received or would have received the March 2019 pay slip; for example, did they receive pay slips electronically or by hard copy? How soon after issuance of a pay slip could or did they receive pay slips? The UNRWA DT issued an interim order (Order No.

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**Judgment**

40. We vacate the UNRWA DT's Judgment No. UNRWA/DT/2020/046 and remand the cases to the UNRWA DT for additional findings of fact. hc 0 Tw 7.011 0 TJ55Dte theng02 Tc -0.402 Tw [f41 0