



Judgment No. 2023-UNAT-1349



v

En el
Tribunal Arbitral de la Unión Andina
6 de Julio del 2023
Requiere
Institución Nacional de Educación Superior
(INIES)

Jun

Before: Judge Martha Halfeld, Presiding
Judge Graeme Colgan
Judge Gao Xiaoli

Case No.: 2022-1717

Date of Decision: 30 June 2023

Date of Publication: 6 July 2023

Registrar: Juliet Johnson

Counsel for Appellant: Self-represented

Counsel for Respondent: Natalie Boucly

of the investigation, the allegations were substantiated and would constitute misconduct.⁵

THE UNITED NATIONS APPEALS TRIBUNAL

administrative decision, but rather, undisputedly filed his application before the UNRWA DT as a first step to challenge the contested Decision.

22. In his appeal, Mr. Tamalawi does not contend that the UNRWA DT erred in its Judgment. R17.02289e 0.r itsN UN4Tc 0 Tw (D)3 Tw 2.587 49d(I)922.7 (3)-1.7 (d)0..8 (re)7.1 ()T-0.015.8 (

26. Furthermore, as this Appeals Tribunal has already established in *Zaqqout*¹⁴, the legal framework applicable to UNRWA cases provides that a staff member wishing to formally contest an administrative decision alleging non-compliance with his or her terms of appointment or the contract of employment, including all pertinent regulations and rules and all relevant administrative issuances, shall, as a first step, submit a written request for decision review: (A) in the case of staff members of Field Offices, to the UNRWA Field Office Director in charge of the Field Office; and (B) in the case of staff members of Headquarters, to the Director of Human Resources.¹⁵ Specifically relating to the challenge of disciplinary measures, UNRWA DT Area Staff Rule 111.2(2) similarly states as follows:

A staff member wishing to formally contest an administrative decision to impose a disciplinary measure pursuant to Staff Regulation 11.1(A) shall, as a first step, submit a written request for a decision review:

(A) in the case of staff members of Field Offices, to the UNRWA Field Office Director in charge of the Field Office; and

(B) in the case of staff members of Headquarters, to the Director of Human Resources.

27. In the same vein, Article 8.1(c) of the UNRWA DT Statute stipulates that an application shall be receivable if an applicant has previously submitted the contested administrative decision for decision review. Furthermore, Article 8.3 bars the UNRWA Dispute Tribunal from suspending, waiving, or extending the deadlines for decision review.

28. It has long been established in the Appeals Tribunal's jurisprudence that a request for decision review or management evaluation is a mandatory first step in the appeal process.¹⁶ Being a mandatory first step before coming to the internal justice system, the request for management evaluation or decision review provides the Administration with the opportunity to reassess the situation and correct possible mistakes or errors with efficiency without the

¹⁴ *Ashraf Ismail abed allah Zaqqout v. Commissioner-General of the United Nations* F.T.D. 20 03 (2013) (h) & F.T.(na)-10.

