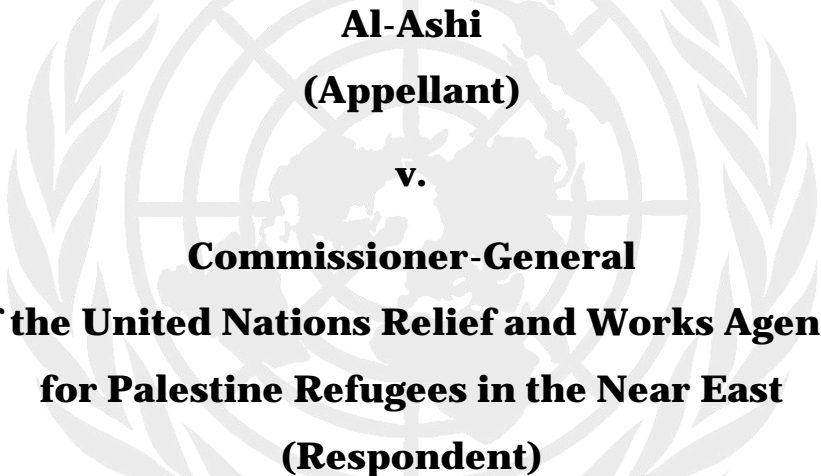




**UNITED NATIONS APPEALS TRIBUNAL  
TRIBUNAL D'APPEL DES NATIONS UNIES**

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Judgment No. 2018-UNAT-838



**Al-Ashi  
(Appellant)**  
**v.**  
**Commissioner-General  
of the United Nations Relief and Works Agency  
for Palestine Refugees in the Near East  
(Respondent)**

**JUDGMENT**

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Before:	Judge Richard Lussick, Presiding Judge Deborah Thomas-Felix Judge Martha Halfeld
Case No.:	2017-1131
Date:	22 March 2018
Registrar:	Weicheng Lin

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Counsel for Mr. Al-Ashi:	Amer Abu-Khalaf, LOSA
Counsel for Commissioner-General:	Rachel Evers

**JUDGE RICHARD LUSSICK, PRESIDING.**

1. The United Nations Appeals Tribunal (Appeals Tribunal) has before it an appeal against Judgment No. UNRWA/DT/2017/032, rendered by the Dispute Tribunal of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA DT or UNRWA Dispute Tribunal and UNRWA or Agency, respectively) on 16 October 2017, in the case of *Al-Ashi v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*. Mr. Ali Al-Ashi filed the appeal on 19 November 2017, and the Commissioner-General filed an answer on 13 February 2018.

**Facts and Procedure**

2. The following facts are uncontested:<sup>1</sup>

... Effective 27 September 1994, the Applicant was employed by the Agency as a Teacher “B”, Grade 8, Step 1, at the Russaifeh Preparatory Boys School No. 1.

... From 1 April 2014 to 30 June 2014, the Applicant was appointed as Acting Teacher Development and School Empowerment Advisor, Grade 16.

... Effective 1 January 2015, the Applicant was transferred with promotion from Jordan Field Office (“JFO”) to Headquarters, Amman (“HQA”) to work as a Teacher Development School and Empowerment Advisor (“TDSE Advisor”), Grade 16, category “A”, subject to a probationary service of 12 months.

... By email dated 20 January 2015, the Applicant sent to his immediate supervisor, the Head, Teacher Development and School Empowerment Unit (“H/TDSE”) a summary of tasks he had completed.

... On 16 February 2015, the Applicant and the H/TDSE discussed the Applicant’s work plan.

... On 18 March 2015, the Applicant and two other staff members (the “Evaluation Committee”) carried out site visits to three printing companies. By an email dated 18 March 2015, the H/TDSE expressed her dissatisfaction with the conclusions of the Evaluation Committee.

... On 24 March 2015, by an email generated by the system of the electronic Performance Evaluation Report (“e-PER”), the Applicant was informed that his work plan had been rejected by the H/TDSE.

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<sup>1</sup> Impugned Judgment, paras. 3-41, 44-46, 53-55.

... On 24 May 2015, the Applicant and his colleagues had a meeting with the H/TDSE. An incident between the Applicant and the H/TDSE occurred during this meeting.

... A mid-term review meeting was held with the Applicant on 6 July 2015, regarding his performance during his probationary period. The H/TDSE informed him that he needed to improve his performance.

... By email dated 13 July 2015, the H/TDSE indicated to the Applicant that “he wasted a lot of time in his translations”. By another email dated 28 July 2015, the H/TDSE “accused him for delaying translation.”

... By email dated 20 August 2015 to the Applicant, the H/TDSE noted certain points discussed in the mid-term review meeting. She reminded him that he needed to improve his performance to meet expectations for the post of TDSE Advisor. By email dated 1 September 2015, the Applicant objected to some of the points raised by the H/TDSE.

... On 21 September 2015, by an email generated by the e-PER system, the Applicant was informed that his work plan had been approved.

... On 4 October 2015, another meeting took place between the Applicant and the H/TDSE to discuss a performance improvement plan. As a result, an informal performance improvement plan was established for the Applicant for the period October to mid-December 2015.

... On 5 October 2015, by an email generated by the e-PER system, the Applicant was informed that his mid-term review had been completed.

... Later, by email dated 7 October 2015, the H/TDSE informed the Applicant that he needed to improve his presentation skills and to develop his own action plan for the upcoming three months.

... On 15 November 2015, the performance improvement plan for the period October to mid-December 2015 was signed by the Applicant and the H/TDSE. The next day, the Applicant submitted his self-assessment and the H/TDSE submitted her assessment of the Applicant. The H/TDSE noted that the Applicant needed to further improve his performance. She also added that he needed to focus on his facilitator and presentation skills.

... On 14 December 2015, the H/TDSE concluded in the report “Progress on Performance Improvement Plan” that the Applicant’s performance was not satisfactory.

... On 17 December 2015, the Applicant sent an email to the Area Staff Union (“ASU”) complaining about how the H/TDSE had managed his Opportunity to Improve (“OTI”) process.

... Subsequently, on 22 December 2015, Human Resources Services Officer (Entitlements) (“HRSO”) sent an email to the Applicant containing a copy of the above-mentioned report.

... On 23 December 2015, the Applicant was informed of the extension of his probationary period from 1 January to 31 March 2016.

... By email dated 10 January 2016, the Applicant objected to the report “Progress on Performance Improvement Plan”.

... By email dated 14 January 2016, the HRSO reminded the Applicant and the H/TDSE of the points that had been discussed during a meeting held on 12 January 2016, especially the objectives of the new improvement plan.

... By email dated 11 February 2016 to the H/TDSE, the Applicant sought her feedback with regard to the implementation of his improvement plan.

... On the morning of 14 February 2016, the Applicant submitted to the Director of Human Resources (“DHR”) a complaint of prohibited conduct against the H/TDSE for verbal abuse, abuse of power and harassment.

... On the afternoon of 14 February 2016, the Applicant, the H/TDSE, and the HRSO held a meeting to discuss the second phase of the Applicant’s improvement plan for his extended probationary period.

... By email dated 18 February 2016 to the H/TDSE, HRSO, and ASU, the Applicant complained about the insufficient feedback and lack of commitment of the H/TDSE with respect to his improvement plan.

... By email dated 18 February 2016, the H/TDSE objected to the Applicant’s comments and explained how much she had invested in his improvement plan.

... By email dated 21 February 2016 to the H/TDSE, the Applicant noted his comments on the minutes of the meeting held on 14 February 2016.

... By email dated 24 February 2016, the HRSO suggested to the Applicant that he raise the matter of his performance management with his second supervisor.

... By email dated 6 March 2016, the Applicant requested a second opinion with regard to his performance evaluation. The Applicant’s email was addressed to the HRSO, and his second supervisor was copied on the email.

... On 7 March 2016, the Applicant objected to the mid-term review of the second phase of the performance improvement plan.

... On 17 March 2016, the Applicant shared with the H/TDSE his personal action plan noting that she had not provided feedback to him with respect to three activities.

... On 23 March 2016, the Applicant submitted his self-assessment for the improvement plan.

... By email dated 27 March 2016, the H/TDSE sent to the second supervisor and the HRSO the results of the second phase of the Applicant's improvement plan and his performance summary report. She concluded that the Applicant was not able to contribute to the TDSE work, and that it would be appropriate not to confirm his appointment as TDSE Advisor.

... By letter dated 30 March 2016, the Applicant was informed that his promotion was cancelled and he was given the option of either transferring to his previous post of Education Specialist, Grade 13 or being terminated.

... By email dated 4 April 2016, the Applicant objected to the final assessment of the second phase of his improvement plan.

... On 26 April 2016, the Applicant requested the review of the decision not to confirm his appointment as TDSE Advisor, Grade 16, and to transfer him to his previous post of Education Specialist, Grade 13.

... Following the Applicant's inquiry regarding his complaint of prohibited conduct, on 7 June 2016, the DHR explained to him that they had not been able to finalise the matter of his complaint.

... On 23 August 2016, the Applicant submitted his application to the [UNRWA Dispute] Tribunal concerning the decision [not to confirm his appointment as TDSE Advisor, Grade 16, and to transfer him to his previous post of Education Specialist, Grade 13 and thus]<sup>2</sup> to cancel his promotion. This first application of the Applicant was registered under Case No. UNRWA/DT/JFO/2016/027 ("JFO/2016/027"). The application was transmitted to the Respondent on 25 August 2016.

...

... On 9 October 2016, the Applicant was informed by the DHR that his complaint of prohibited conduct would be addressed with the H/TDSE by a management intervention. As a result, the Applicant's complaint was closed.

... On 17 October 2016, the Applicant submitted a request for review of the decision to close his complaint.

... On 17 October 2016, the Respondent filed his reply in JFO/2016/027. The reply was transmitted to the Applicant on 18 October 2016.

...

... On 15 December 2016, the Applicant raised another complaint of prohibited conduct against the H/TDSE.

... On 10 January 2017, the Applicant filed another application with the [UNRWA Dispute] Tribunal contesting the decision to close his first complaint of prohibited conduct. This second application of the Applicant was registered under

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<sup>2</sup> *Ibid.*, para. 1.

Case No. UNRWA/DT/JFO/2017/005 (“JFO/2017/005”), and was transmitted to the Respondent on 16 January 2017.

... On 15 February 2017, the Respondent filed his reply in JFO/2017/005. The reply was transmitted to the Applicant on 16 February 2017.

3. The UNRWA DT rendered its Judgment on 16 October 2017, consolidating Mr. Al-Ashi's two applications and dismissing both of them on the merits. The UNRWA DT found that Mr. Al-Ashi had failed to establish that the first contested decision not to confirm his appointment as TDSE Advisor and to transfer him to his previous post was unlawful under the applicable legal framework for probationary appointments. In particular, the UNRWA DT considered that the first informal improvement plan by his immediate supervisor had contained measurable objectives and had not been misleading and that the corresponding interim reports clearly showed that Mr. Al-Ashi's performance had not been satisfactory. Also, it found that during the extended probationary period, Mr. Al-Ashi's work had been properly and regularly assessed by his immediate supervisor and he had adequately been informed of his shortcomings and of ways to improve his performance. The UNRWA DT further found his claims with respect to the lack of intervention by his second supervisor to be without merit since paragraph 10.2 of UNRWA Area Personnel Directive No. A/4/Part VII/Rev.7 (Probation) (PD A/4/Part VII/Rev.7) did not require such intervention. Regarding the second contested decision to close his complaint of prohibited conduct, the UNRWA DT considered that Mr. Al-Ashi had failed to demonstrate that it was unlawful. In particular, it held that the DHR had correctly concluded that there was no *prima facie* case of harassment, abuse of power or retaliation resulting from Mr. Al-Ashi's performance evaluation as “all of the comments and the appraisal of the H/TDSE did not exceed the level of an ordinary relation between a supervisor and his/her supervisee”<sup>3</sup> and that such harassment did not result from the tasks assigned to him as they were within his job description. With regard to the “role play meeting” incident, the UNRWA DT found that the decision to close Mr. Al-Ashi's complaint by management intervention was “effective and not manifestly unreasonable”.<sup>4</sup>

4. Mr. Al-Ashi appealed the UNDT Judgment on 19 November 2017. By Order No. 306 (2018) dated 29 January 2018, the Appeals Tribunal granted the Commissioner-General's motion for waiver of the time limit and leave to file an answer to the appeal, finding that it was in the interests of justice to grant the motion in light of the ongoing strike action at the

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<sup>3</sup> *Ibid.*, para. 99.

<sup>4</sup> *Ibid.*, para. 106.

UNRWA West Bank Field Office, Jerusalem which prevented the Commissioner-General from having access to the relevant documents and facilities needed to prepare and file his answer. He filed the answer within the 15-day extension on 13 February 2018.

### **Submissions**

#### **Mr. Al-Ashi's Appeal**

5. Mr. Al-Ashi submits that the UNRWA DT erred in fact and in law when assessing the evidence before it and coming to the conclusion that he had failed to establish that the decision not to confirm his appointment as TDSE Advisor and to transfer him to his previous post was unlawful. The UNRWA DT was incorrect in finding that this decision was not tainted by improper motives or flawed by procedural irregularities and that he had been properly and regularly assessed by the H/TDSE and consistently informed of his shortcomings and ways to improve his performance. In this context, Mr. Al-Ashi submits that the UNRWA DT “missed essential facts” related to his professional experience and to a claim he had “started to pursue” with the Ethics Office and that the Judgment contained factual mistakes with respect to his mid-term review which he claims was conducted within one session instead of two. The UNRWA DT also failed to take into account that attendees of his outreach workshops had given very positive reviews and that he had received two reports stating his improvements shortly before Human Resources sent him an e-mail on 22 December 2015 informing him that his performance did not meet expectations. The UNRWA DT “failed to properly analyze” the incident regarding the allegedly delayed translation and erred in finding that an assessment by his second supervisor was not necessary. Furthermore, under the applicable legal framework of PD/A/4/Part VII/Rev.7, he should not have been subjected to an OTI process while on probation.

6. Mr. Al-Ashi further argues that the UNRWA DT erred when it decided that he had failed to establish that the decision to close his complaint of prohibited conduct was unlawful. The UNRWA DT disregarded the fact that his supervisor had been acting in retaliation against him since his complaint to the Ethics Office by “providing negative assessments for all tasks carried out and eventually failing him on his probation assessment”. The UNRWA DT failed to discuss several forms of harassment described in his application including his supervisor’s repetitive requests for changes to his work plan and her refusal to grant him paternity leave. Further, the UNRWA DT did not properly analyse the situation surrounding the evaluation committee and incorrectly concluded that the “role play meeting” incident had been properly resolved by

management intervention which had “rather [been] a brief conversation than a constructive intervention aimed at prevention of further infringements”.

7. Moreover, the UNRWA DT erred in finding that the incident whereby his case had been leaked to a social media platform by his supervisor, who was the only person with access to the leaked confidential information, was outside the scope of his second application even though he had filed submissions on the incident as supplementary evidence in response to Order No. 048 (UNRWA/DT/2017). The UNRWA DT also erred in finding that the tasks assigned to him did not result in harassment on the basis that his job description included “other duties as may be assigned” considering that such duties had to necessarily be directly related to his original job description. He was not only assigned tasks that fell outside this scope but his performance evaluation was mainly based on such tasks. Finally, the UNRWA DT “failed to analyze [his] complaint that DIOS constantly closes cases in which staff members complain about the actions of the Agency without conducting an investigation”.

8. In light of the foregoing, Mr. Al-Ashi requests that the Appeals Tribunal reverse the UNRWA DT Judgment and order compensation “for the material damages of the consequential financial loss incurred due to the cancellation of his post as TDSE Advisor” and “for moral damages incurred for stress and anxiety suffered due to abuse of power, harassment and retaliation”.

#### **The Commissioner-General’s Answer**

9. The Commissioner-General submits that the UNRWA DT did not err on a question of law and fact in its assessment of the evidence and its conclusion that Mr. Al-Ashi had failed to establish that the non-confirmation and transfer decisions were unlawful. The UNRWA DT was cognisant of the relevant regulatory framework, correctly identified the pertinent issue and accurately concluded that Mr. Al-Ashi had properly and regularly been assessed by his immediate supervisor and consistently informed of his shortcomings and ways to improve. The justification given by the Agency for rating Mr. Al-Ashi’s performance as unsatisfactory is properly supported by the facts set forth in the Judgment. Satisfactory performance during the probationary period is a material consideration for confirmation of appointment as opposed to the additional facts advanced by Mr. Ashi relating to past professional experience and to the feedback given by participants of his outreach programmes. With respect to Mr. Al-Ashi’s claims of procedural irregularities in the performance evaluation, the Commissioner-General argues that the question



as to whether the mid-term review had been conducted in one or two sessions does not render the appraisal unlawful or unreasonable as it does not negate the finding that his performance had been unsatisfactory and his evaluation objective, fair and well-based. Moreover, contrary to Mr. Al-Ashi's contention, he was not placed in an OTI process—a process for assessing confirmed staff members—but rather properly assessed as contemplated in paragraph 10.2 of PD A/4/Part VII/Rev.7. The UNRWA DT was also correct in its conclusion that the applicable provisions did not require an intervention by his second supervisor.

10. Further, the Commissioner-General asserts that the UNRWA DT did not err when it decided that Mr. Al-Ashi had failed to establish that the decision to close his complaint of prohibited conduct was unlawful. The UNRWA DT reasonably concluded that Mr. Al-Ashi's complaint of harassment in his performance appraisal could not be established as the comments and appraisal by the H/TDSE had not exceeded the level of an ordinary supervisor/supervisee relationship. Moreover, the UNRWA DT's conclusion in relation to the course of action taken with regard to the "role play incident" was lawful and in accordance with UNRWA General Staff Circular No. 06/2010 (Prohibition of Discrimination, Harassment – Including Sexual Harassment – and Abuse of Power). In accordance with the Appeals Tribunal's jurisprudence, the UNRWA DT did not have to address each and every claim of alleged harassment made by Mr. Al-Ashi (including allegations of retaliation, the issue of paternity leave and the social media incident). There is no basis for the criticism that the UNRWA DT failed to address several forms of harassment set out in his application. On the contrary, it considered incidents relied upon by Mr. Al-Ashi and concluded that there was no merit to the claims.

11. Finally, the Commissioner-General argues that the remedies sought by Mr. Al-Ashi have no legal basis. As Mr. Al-Ashi has failed to show any reversible error by the UNRWA DT, there is no basis for a consideration of the plea for material damages. In any case, no evidence of the alleged consequential financial loss was presented before the UNRWA DT. Likewise, there is no basis for an award of moral damages in the absence of evidence of harm.

12. In view of the foregoing, the Commissioner-General requests that the Appeals Tribunal dismiss the appeal in its entirety.

**Considerations**

13. The impugned Judgment of the UNRWA DT consolidates two applications by Mr. Al-Ashi against the decisions of the Commissioner-General, namely: 1) not to confirm his appointment as a TDSE Advisor, Grade 16, and to transfer him to his previous post of Education Specialist, Grade 13; and 2) to close his complaint of prohibited conduct. The UNRWA DT dismissed both applications on the merits.

*The decision not to confirm Mr. Al-Ashi's appointment and to transfer him to his previous post*

14. Mr. Al-Ashi claims that the UNRWA DT erred in fact and in law when assessing the evidence before it and concluding that he had failed to establish that the decision not to confirm his appointment as TDSE Advisor and to transfer him to his previous post was unlawful. He argues that the UNRWA DT “failed to examine the relevant facts and apply legal and regulatory provisions concerning his performance evaluations during his probation period, which has resulted in the cancellation of [his] promotion” and “missed essential facts regarding [his] professional experience”.

15. The UNRWA DT was cognisant of the relevant regulatory framework, which it set out at paragraphs 74 and 75 of its Judgment as follows:<sup>5</sup>

... Area Staff Regulation 4.2 provides:

Appointments shall be subject to the satisfactory completion of not less than one month's probationary service.

... Area Personnel Directive No. A/4/Part VII/Rev.7 provides, in relevant part,

3. PURPOSE OF PROBATION

The purpose of probation is to fathom the overall performance and potential of a staff member in the job to which he/she is appointed, or reassigned with a view to determining the adequacy of his/her attitude in relation to certain normative standards of performance. Staff members are subject to probation on the occasion of:

- (i) Appointment;
- (ii) Reassignment or transfer with or without promotion.

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<sup>5</sup> Emphases in original.

5. PROBATION ON TRANSFER BETWEEN POSTS WITH OR WITHOUT PROMOTION

5.1. Transfer with promotion

[...]

5.1.2. A fully qualified staff member may be promoted to the level of the post to which reassigned (see part three of PD A/3), but will not be confirmed in the promotion level unless he/she has satisfactorily served a period of probation necessary to demonstrate ability to discharge all the responsibilities and duties attached to the post at the promotion level. Such probation may be formally extended.

\* \* \*

10. REVIEW OF PROBATIONARY SERVICE – PROCEDURES AND AUTHORITIES

[...]

10.2. Probationary service, whether it is in connection with a new appointment, a transfer or a promotion, shall normally be made a subject of assessment and record in the periodic report form applicable to the employee category concerned. Officials to whom authority is delegated to confirm probation or otherwise must ensure that the procedures relating to the recording and assessment of service by periodic report form have been properly complied with, and that their decisions are clearly annotated, signed and dated in the appropriate personnel records.

\* \* \*

11. In all circumstances satisfactory probationary service is a condition for confirmation of appointment, transfer and promotion.

16. The UNRWA DT, in considering Mr. Al-Ashi's contention that the decision to cancel his promotion was tainted by improper motives and flawed by procedural irregularities, found it necessary to review Mr. Al-Ashi's performance assessments in the light of the regulatory framework. In considering whether Mr. Al-Ashi's work was regularly assessed by his supervisor's periodic reports and whether he was informed of his shortcomings, the UNRWA DT reviewed the assessment by his immediate supervisor and the first improvement plan. The UNRWA DT concluded:<sup>6</sup>

... After having thoroughly reviewed all the documents in the case file, especially the reports on the performance improvement plan, the [UNRWA Dispute] Tribunal finds that the Applicant's first informal improvement plan did include measurable objectives. In

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<sup>6</sup> Impugned Judgment, para. 82.

addition, it is clear from the interim reports that the Applicant's performance was not satisfactory despite the fact that he did make some improvements. Therefore, the [UNRWA Dispute] Tribunal holds that the Applicant's claim that he was misled by the H/TDSE regarding his first improvement plan is without merit.

17. The UNRWA DT went on to review Mr. Al-Ashi's assessment during the second improvement plan and concluded that "there was a constant communication between the Applicant and the H/TDSE",<sup>7</sup> and that the H/TDSE constantly evaluated his work and advised him on the ways to improve his performance. The UNRWA DT noted that his performance did not significantly improve and was still unsatisfactory. The UNRWA DT concluded that "after having thoroughly reviewed all of the documents in the case file relevant to the extended period of the Applicant's probationary period, the [UNRWA Dispute] Tribunal holds that the Applicant was properly and regularly assessed by the H/TDSE, and that he was consistently informed of his shortcomings and the ways to improve".<sup>8</sup>

18. The UNRWA DT concluded that Mr. Al-Ashi had failed to establish that the decision not to confirm his appointment as TDSE Advisor and to transfer him to his previous post was unlawful.

19. We find no error in the UNRWA DT's decision. It is supported by both the facts and the law. There is no merit in Mr. Al-Ashi's contention that the UNRWA DT failed to examine the relevant facts and to apply legal and regulatory provisions to his performance evaluations during his probationary period. The UNRWA DT's review of his performance assessments revealed that he had failed to meet a material consideration for confirmation of appointments, in that his probationary service was not satisfactory. There was therefore nothing unlawful in the decision not to confirm his appointment and to transfer him to his previous post.

20. We reject Mr. Al-Ashi's claim that the UNRWA DT "missed essential facts regarding [his] professional experience" and that "these facts must be taken into consideration". Past professional experience is not relevant to the requirement of satisfactory performance during the probationary period.

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<sup>7</sup> *Ibid.*, para. 87.

<sup>8</sup> *Ibid.*

*The decision to close Mr. Al-Ashi's claim of prohibited conduct*

21. The UNRWA DT decided that Mr. Al-Ashi's complaint of harassment in his performance appraisals could not be established. It found that he<sup>9</sup>

... was fully and regularly assessed and his shortcomings were clearly indicated to him by the H/TDSE. In the [UNRWA Dispute] Tribunal's view, all of the comments and the appraisal of the H/TDSE did not exceed the level of an ordinary relation between a supervisor and his/her supervisee. As a consequence, the Applicant's complaint for harassment in his performance appraisals cannot be established. Therefore, based on the preliminary assessment of the Applicant's complaint, the DHR correctly concluded not to consider the Applicant's performance evaluation as harassment, abuse of power or retaliation.

22. This decision was supported by the evidence and Mr. Al-Ashi has failed to show any reversible error on the part of the UNRWA DT.

23. Regarding the "role play meeting", the UNRWA DT found that the DHR was entitled to close Mr. Al-Ashi's complaint pursuant to General Staff Circular No. 06/2010, which permits a decision to be made on managerial action in cases where it is considered that there was a factual basis for the allegations that does not justify disciplinary proceedings but warrants some other action.

24. The UNRWA DT held that the decision to close Mr. Al-Ashi's complaint by a managerial intervention was effective and not manifestly unreasonable regarding the "role play meeting incident".

25. We find that the UNRWA DT was correct in law and in fact in deciding that Mr. Al-Ashi failed to establish that the decision to close his complaint of prohibited conduct was unlawful.

26. There are some other issues which Mr. Al-Ashi claims that the UNRWA DT failed to address. The Appeals Tribunal held in *Abu Jarbou* that "[i]t is not necessary for any court, whether a trial or appellate court, to address each and every claim made by a litigant, especially when a claim has no merit".<sup>10</sup>

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<sup>9</sup> *Ibid.*, para. 99.

<sup>10</sup> *Abu Jarbou v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. 2013-UNAT-292, para. 47.

27. In the present case, we are satisfied that the UNRWA DT considered all evidence relevant to the issues before it.

28. In our view, the UNRWA DT Judgment was thorough, well-reasoned, and fair. Its findings confirming that there were no instances of procedural unfairness were supported by the facts and consistent with the applicable law.

29. Having considered all of Mr. Al-Ashi's submissions, we find that he has failed to persuade us that the UNRWA DT committed any error of law, fact or procedure in reaching its decision.

30. The appeal fails.

**Judgment**

31. The appeal is dismissed and Judgment No. UNRWA/DT/2017/032 is hereby affirmed.

Original and Authoritative Version: English

Dated this 22<sup>nd</sup> day of March 2018 in New York, United States.

*(Signed)*

Judge Lussick, Presiding

*(Signed)*

Judge Thomas-Felix

*(Signed)*

Judge Halfeld

Entered in the Register on this 23<sup>rd</sup> day of May 2018 in New York, United States.

*(Signed)*

Weicheng Lin, Registrar