



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

Judgment No. 2024-UNAT-1424

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

JUDGMENT

Before:	Judge Leslie F. Forbang, Presiding Judge Gao Xiaoli Judge Abdelmohsen Sheha
Case No.:	2023-1779
Date of Decision:	22 March 2024
Date of Publication:	30 April 2024
Registrar:	Juliet E. Johnson

Counsel for Appellant:	Amer Abu-Khalaf, LOSA
Counsel for Respondent:	Natalie Boucly

JUDGE LESLIE F. FORBANG, PRESIDING.

1. Ms. Amal Ali El Khaled contested a decision of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA or Agency) not to accede to her request for transfer to the General Fund post of Finance Assistant, Grade 10, at the Field Finance Office (FFO), Lebanon Field Office (LFO), UNRWA (contested decision).
2. By Judgment No. UNRWA/DT/2022/055, the UNRWA Dispute Tribunal (UNRWA DT) dismissed the application (impugned Judgment).¹
3. Ms. El Khaled lodged an appeal of the impugned Judgment with the United Nations Appeals Tribunal (Appeals Tribunal or UNAT).
4. For the reasons set out below, the Appeals Tribunal dismisses the appeal and affirms the impugned Judgment.

Facts and Procedure²

5. Ms. El Khaled was employed by the Agency on a fixed-term appointment as Accounting Assistant, Grade 10, Step 14, at Field Infrastructure & Camp Improvement Programme (FICIP), LFO.³ She had joined the Agency on 1 July 2011 which was the date of her entry on duty (EOD).
6. On 11 July 2016, Ms. El Khaled submitted a request for transfer to the post of Finance Assistant.⁴ She indicated that her reason for seeking a transfer was to move from her project-funded position to a regular budget position. This transfer request was rejected.
7. In July 2019, two other candidates submitted requests for transfer to the posts of Finance Assistant.⁵ Their EOD dates were 1 April 2017 and 1 January 2018. Both candidates held the post of Finance Assistant when they requested the transfer, and both stated that their reason for seeking a transfer was to move from their project-funded position to a regular budget position.

¹ *El Khaled v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, UNRWA DT's Judgment dated 30 November 2022.

² Summarized from the impugned Judgment as relevant to the appeal.

³ Impugned Judgment, para. 2.

⁴ *Ibid.*, para. 3.

⁵ *Ibid.*, para. 4.

8. On 19 August 2021, a Field Human Resources Officer, LFO, contacted Ms. El Khaled to enquire if she was still interested in transferring to the post of Finance Assistant, Grade 10, with the FFO.⁶ She confirmed her transfer request on the same day.

9. On 25 September 2021, Ms. El Khaled was diagnosed with breast cancer.⁷

10. On 2 December 2021, the Head of FFO (H/FFO) informed the Field Human Resources Office, LFO, that the duties of a FICIP Accounting Assistant were significantly different from the duties of a Finance Assistant.⁸ The H/FFO stated that the Accounting Assistant's duties were related to project budget monitoring, assistance with maintenance of records for project engineers, and support with related reporting, whereas a Finance Assistant needed to be familiar with the processing of financial transactions in REACH,⁹ making accounting entries and performing related financial tasks. As such, the H/FFO indicated that Ms. El Khaled was not recommended for the transfer.

11. Between 19 August 2021 and 26 January 2022 Ms. El Khaled sent multiple e-mails to various Field Human Resources Officers, LFO, requesting an update on her transfer request.¹⁰ She also sought an appointment with the Deputy Director of UNRWA Affairs (D/DUA/LFO) to discuss her transfer request. On 14 January 2022, she emailed the Secretary of the D/DUA/LFO, stating: "Dear [Secretary], upon your request, please see attached the correspondence related to my transfer case in order to be able to get an appointment with [the D/DUA/LFO]. Thanks in advance." She attached to that 14 January 2022 e-mail her prior e-mails to the Field Human Resources Officers, LFO. She did not mention her recent cancer diagnosis in any of these e-mails.

12. On 26 January 2022, the Acting Human Resources Officer informed Ms. El Khaled of the contested decision.¹¹ In the e-mail, she was advised that her transfer request had been denied based on the recommendation of the hiring department.

⁶ *Ibid.*, para. 5. The UNRWA DT noted that a transfer request did not expire with the lapse of time, so Ms. El Khaled's transfer request of 2016 had remained valid.

⁷ *Ibid.*, para. 6.

⁸ *Ibid.*, para. 7.

⁹ REACH is electronic software used by the Agency.

¹⁰ Impugned Judgment, para. 8.

¹¹ *Ibid.*, para. 10.

13. Subsequently she learned that the other two candidates' transfer requests had been granted.¹²

14. On 1 February 2022, Ms. El Khaled sent an e-mail to another UNRWA staff member, in which she stated: "Dear [doctor], Please see the below e[-]mail I have received from HR related to my transferring to 'Finance Assistant' GF post. As you are the head of union, and you are fully aware to my case I need your assistan[ce] to get my right".¹³

15. On 11 February 2022, Ms. El Khaled submitted a Request for Decision Review (RDR).¹⁴ The Agency did not respond to the RDR.

16. On 16 May 2022, Ms. El Khaled filed an application with the UNRWA DT.

The impugned Judgment

17. By Judgment No. UNRWA/DT/2022/055 dated 30 November 2022, the UNRWA DT dismissed the application.

18. The UNRWA DT found that the Agency had the discretion to consider staff members' suitability for a post when assessing competing transfer requests.

19. The UNRWA DT stated that it could not find by a preponderance of the evidence that the Field Human Resources Officer had been on notice of Ms. El Khaled's diagnosis when taking the contested decision. After having been diagnosed, she did not amend or update her transfer request to inform the Field Human Resources Officer of this new compelling reason for the transfer, nor did she provide this information in her e-mails. Even if it were true that she informed her supervisor in September 2021 verbally, this is not sufficient to put the Field Human Resources Officer on notice of her change in circumstances. The evidence provided in support of her allegedly having informed the Secretary of the D/DUA/LFO in mid-January 2022 verbally, is dated after the contested decision was already taken, and the e-mail submitted by her does not mention her diagnosis and does not establish that the decision-makers were on notice of her diagnosis at the time.

¹² *Ibid.*

¹³ *Ibid.*, para. 11.

¹⁴ *Ibid.*, para. 12.

20. The UNRWA DT noted that Ms. El Khaled was the most senior of the candidates, which would have given her priority of the post had the Agency limited its assessment of the competing transfer requests to the criteria set out in paragraph 9(a) of UNRWA LFO Field Technical Instruction 01/2016 (Lateral Transfers Initiated at the Request of Staff Lebanon Field Office) (FTI 01/2016). However, the Agency did not base its assessment on these criteria. In light of the multiple transfer requests, the Field Human Resources Officer properly consulted with the hiring department regarding the candidates' suitability, as required under paragraph 14. The hiring department did not recommend her for the position because her duties as an Accounting Assistant were different from the duties of a Finance Assistant, and they sought a candidate more familiar with the duties of the position. The operational needs of the hiring department were the decisive factor in finding the other two candidates more suitable for the position. The Agency is authorized under paragraphs 14 and 15(b) of FTI 01/2016 to base its assessment on the candidates' suitability for the post instead of the criteria of seniority, compelling reasons, and performance evaluations set out in paragraph 9(a).

21. The UNRWA DT found, moreover, that even assuming that Ms. El Khaled had been fully qualified for the post, it was not able to find that preferring candidates with prior experience in the exact role had been so unreasonable as to constitute an abuse of discretion. She has not shown that the hiring department's assessment of the three candidates' relative suitability was unreasonable, biased, or unfair. She has failed to sustain the burden of proof required to establish that the decision not to transfer her was arbitrary or capricious, motivated by prejudice or other extraneous factors or flawed by procedural irregularity or error of law.

Procedure before the Appeals Tribunal

22. On 22 January 2023, Ms. El Khaled filed an appeal of the impugned Judgment with the Appeals Tribunal, to which the Commissioner-General filed an answer on 31 March 2023.

Submissions

Ms. El Khaled's Appeal

23. Ms. El Khaled requests the Appeals Tribunal to remand the case.

24. Ms. El Khaled argues that the UNRWA DT erred in fact and in law when it assessed the evidence and concluded that she failed to meet the burden of proof required to establish the

irregularity of the contested decision. The UNRWA DT failed to appreciate the policies that govern the transfer of staff members. As regards seniority, she joined the Agency in 2007 and the other two candidates joined in 2017 and 2018. The UNRWA DT also failed to mention the status of the other two staff members, it did not state whether they were engaged with the Agency under a fixed-term or daily paid contract.¹⁵

25. Ms. El Khaled contends that the UNRWA DT misjudged her operational skills in finding that the other two candidates had superior operational skills. It ignored the Commissioner-General's statement that in 2014 she "participated in a recruitment process for the positions of both 'Finance Assistant' and 'Cashier' [and] was found to be suitable for both positions and recommended as the third candidate in relation to the 'Finance Assistant' position".¹⁶ The UNRWA DT affirmed that her profile was superior to the other two candidates under paragraph 9(a) of FTI 01/2016. The hiring department's arguments were without merit. The UNRWA DT erred in fact in failing to recognize the Commissioner-General's earlier admission that she was suitable for the position of Finance Assistant and in finding that she did not show the contested decision to be unreasonable, biased and unfair.

26. Ms. El Khaled submits that notwithstanding the Agency's discretionary authority, it was not in dispute between the parties that the transfers were also based on personal or humanitarian grounds. The Commissioner-General did not state whether the other two candidates offered compelling and humanitarian reasons in their transfer requests.

27. Ms. El Khaled contends that the UNRWA DT erred in not analyzing the fact that she had visited her doctor before the contested decision was taken and obviously the Field Human Resources Office was aware of her ill health. Her doctor, who is also a staff member of the Agency, as well as her supervisor were aware of her health condition. She provided evidence to the UNRWA DT that the Agency knew her condition, as it was registered in the Administration's Human Resources system.¹⁷

¹⁵ Daily paid workers are complementary personnel with non-staff status on assignments of a temporary nature.

¹⁶ Ms. El Khaled cites the Commissioner-General's reply before the UNRWA DT, para. 4 (Annex 3 to the appeal).

¹⁷ Ms. El Khaled refers to Annex 5 to the appeal and cites *Orabi Ahmad Orabi v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. 2020-UNAT-1047, para. 29.

The Commissioner-General's Answer

28. The Commissioner-General requests that the Appeals Tribunal dismiss the appeal.

29. The Commissioner-General argues that Ms. El Khaled fails to demonstrate any discernible error in the impugned Judgment. Her arguments do not constitute more than a general dissatisfaction with the impugned Judgment.

30. The Commissioner-General submits that Ms. El Khaled fails to demonstrate that the UNRWA DT erred in law in interpreting the transfer policy and applying it to the facts. The relevant documentation demonstrated that all three staff members seeking the transfer had indicated in their requests the same compelling humanitarian reason, namely the wish to have their posts regularized under the regular programme budget. The e-mail exchange between the hiring department and the Field Human Resources Office demonstrated the view of the hiring department that the other two candidates' skill sets made them immediately operational in the position, whereas Ms. El Khaled's role at the time differed significantly from the position of Finance Assistant in terms of duties and responsibilities.

31. The Commissioner-General contends that Ms. El Khaled's argument that the Agency failed to take into account her ill health is without merit. She tried to place before the UNRWA DT evidence that was not available to the Administration at the time the contested decision was taken. The UNRWA DT correctly confined its assessment of the facts to those known by the Agency at the material time.

32. The Commissioner-General argues that Ms. El Khaled fails to demonstrate that the UNRWA DT erred in fact by ignoring decisive facts. Her arguments are misconceived. She does not point to any piece of evidence before the UNRWA DT that it failed to consider. Her assertion that the Agency should have been aware of her diagnosis because her doctor was also a staff member of the Agency is misplaced.

33. The Commissioner-General submits that Ms. El Khaled fails to demonstrate that the UNRWA DT erred in fact when it did not find that the Administration's assessment of her skill set was biased. Her submissions with respect to her participation in a 2014 recruitment process are irrelevant to the question of whether the contemporaneous operational needs of the Finance Department in 2022 were such as to prefer the transfer of candidates who were at that time already performing the functions of a Finance Assistant.

Considerations

Preliminary remarks

34. In the instant case, we are satisfied that all the relevant facts have been established and sufficiently dealt with at the first instance, and there is no need for additional findings of fact in this matter.¹⁸ Further, the Appellant has failed to show that a decision cannot be taken without oral testimony or other forms of non-written evidence to cause this Tribunal to remand the case to the Dispute Tribunal.¹⁹ There is sufficient information in the case record to decide the case.

Merits of the appeal

35. The crux of this appeal is whether the UNRWA DT erred on a question of law or on a question of fact in its finding that the Agency had correctly applied the provisions of FTI 01/2016 in deciding not to accept the Appellant's transfer request, and whether the contested decision was not unreasonable, biased or unfair.

36. The general principle is that posts are filled through a competitive selection process. However, UNRWA Area Staff Regulation 4.3, read in tandem with FTI 01/2016, provides the basis to fill posts by lateral transfer of current staff members within the Agency as an exception to the general principle.

37. The UNRWA DT in the impugned Judgment found that the Agency had the discretion to consider a staff member's suitability for a post when assessing competing transfer requests. UNAT jurisprudence affirms the Administration's discretion to appoint, transfer, and promote staff. In addition, in *Sarieddine*,²⁰ we noted that "it [is] not within the remit of the UNRWA DT to pronounce on the exercise of the Agency's discretion in deciding on the lateral transfers, unless there is evidence that the discretion was exercised arbitrarily or unlawfully".

¹⁸ Article 2(4)(b) of the UNAT Statute provides that the Appeals Tribunal is competent to "remand the case to the Dispute Tribunal for additional findings of fact, subject to paragraph 5 of the present article, if it determines that further findings of fact are necessary".

¹⁹ Article 2(5) of the UNAT Statute sets out that "where the Appeals Tribunal determines that a decision cannot be taken without oral testimony or other forms of non-written evidence, it shall remand the case to the Dispute Tribunal".

²⁰ *Sarieddine v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. 2018-UNAT-852, para. 13.

38. The Appeals Tribunal has confirmed in *Orabi*²¹ and in a multitude of cases that “as a matter of general principle, in exercising its judicial review, the Dispute Tribunal will not lightly interfere with the exercise of managerial discretion in matters such as staff transfers”.

39. Nevertheless, in *Orabi*,²² the UNAT found that “an administrative decision not to appoint, promote, or transfer can be challenged on the grounds that the Administration has not acted fairly, justly, or transparently”. The UNAT held that the “staff member has the burden of proving such factors played a role in the administrative decision”.²³

40. In *Orabi*, the Appeals Tribunal further noted:²⁴

(...) When judging the validity of the Administration’s exercise of discretion in administrative matters, (...) the Dispute Tribunal determines if the decision is legal, rational, procedurally correct, and proportionate. The first instance Judge can consider whether relevant matters have been ignored and irrelevant matters considered, and also examine whether the decision is absurd or perverse. But it is not the role of the Dispute Tribunal to consider the correctness of the choice made by the Administration amongst the various courses or actions open to it. Nor is it the role of the Dispute Tribunal to substitute its own decision for that of the Administration. (...)

41. Therefore, the proper role of the Dispute Tribunal in conducting a judicial review of an administrative decision is limited to examining its legality, rationality, compliance with procedure, and proportionality, and not to engage in a merit-based review. This line of reasoning tallies with the UNAT Judgment in *Sanwidi*, in which we stated:²⁵

(...) In exercising judicial review, the role of the Dispute Tribunal is to determine if the administrative decision under challenge is reasonable and fair, legally and procedurally correct, and proportionate. (...) During this process the Dispute Tribunal is not conducting a merit-based review, but a judicial review. Judicial review is more concerned with examining how the decision-maker reached the impugned decision and not the merits of the decision-makers decision. This process may give the impression to a layperson that the Tribunal has acted as an appellate authority over the decision maker’s administrative decision. This is a misunderstanding of the delicate task of

²¹ *Orabi v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. 2018-UNAT-884, para. 19 (*Orabi*) (internal citations omitted).

²² *Op. cit.*, para. 20 (internal citations omitted).

²³ *Ibid.* (internal citations omitted).

²⁴ *Op. cit.*, para. 21 (internal citations omitted).

²⁵ *Sanwidi v. Secretary-General of the United Nations*, Judgment No. 2010-UNAT-084, para. 42.

conducting a judicial review because due deference is always shown to the decision-maker, who in this case is the Secretary-General.

42. Similarly, in *Al-Refaea* we explained:²⁶

(...) [T]he starting point for a judicial review is a presumption that official acts have been regularly performed, [but] this presumption is a rebuttable one. If the management is able to even minimally show that the [staff member's] candidature was given a full and fair consideration, then the presumption of law stands satisfied. Thereafter, the burden of proof shifts to the [staff member] who must show through clear and convincing evidence that he [orshe] was denied a fair chance of promotion. (...) The same analysis applies to questions of transfers.

43. Accordingly, in the matter at hand, the material issue for consideration is whether the contested decision was legally made, in compliance with the procedure for lateral transfers initiated at the request of a staff member as laid down in FTI 01/2016, and was fair and reasonable.

44. The Appellant argues further that the UNRWA DT failed to appreciate the policies that govern the transfer of staff members, more particularly as regards seniority, given that she joined the Agency in 2007 whereas the other two candidates joined in 2017 and 2018. The Appellant's contention finds credence in the criteria set out in paragraph 9(a) of FTI 01/2016, making seniority a decisive factor in assessing competing transfer requests.

45. In reply, the Respondent submits that the Appellant failed to demonstrate that the UNRWA DT erred in law in interpreting the transfer policy and applying it to the facts in question.

46. We find that paragraph 9(a) of FTI 01/2016 should not be read in isolation.²⁷ It should be read together with paragraphs 14 and 15(b) which provide an alternative to selection based on seniority.²⁸ The former empowers the Field Human Resources Officer to discuss the

²⁶ *Al-Refaea v. Commissioner-General of the United Nations Relief Works Agency for Palestine Refugees in the Near East*, Judgment No. 2019-UNAT-971, para. 33.

²⁷ Paragraph 9(a) of FTI 01/2016 provides the following criterion: "(...) The requesting staff member has presented one or more compelling humanitarian or personal reasons for the transfer; priority in this case goes to the more senior staff. In case of two or more staff members with the same seniority, performance evaluation will be the decisive element; otherwise an interview by the Head of Department will be done to determine selection."

²⁸ Paragraph 14 of FTI 01/2016 specifies that in the event that there are one or more confirmed transfer requests on the Transfer Register in respect of the same post, "the Field Human Resources Officer shall discuss with the Hiring Department whether one or more of the persons on the Transfer Register would

suitability of the requesting staff members for the position with the Hiring Department in case of competing transfer requests in respect of the same post. Paragraph 15(b) gives the Field Human Resources Officer the discretion, after discussing with the Hiring Department, to decide to make an exception to normal recruitment procedures to determine which of the applicants should be allowed to transfer, including possible interviews, without going through the complete recruitment procedure.

47. It can be discerned therefore from a combined reading of paragraphs 9(a), 14, and 15(b) of FTI 01/2016 that seniority is not the lone selection criterion in making the determination on the lateral transfer within the Agency. Therefore, we agree with the UNRWA DT that the Agency was authorized under paragraphs 14 and 15 of FTI 01/2016 to base its assessment on the candidates' suitability for the post instead of seniority, compelling reasons, and performance evaluation as set out in paragraph 9(a). Given the fact that the H/FFO had on 2 December 2021 informed the Field Human Resources Officer that the duties of the Accounting Assistant were significantly different from the duties of the Finance Assistant, and the Hiring Department sought a candidate more familiar with the duties of the position, the Agency was justified in selecting the other two candidates, each already holding the post of Finance Assistant, instead of Ms. El Khaled.

48. In the instant case, the Appellant contends that the Dispute Tribunal misjudged her operational skills in finding that the other two candidates had superior operational skills and ignored the Commissioner-General's admission of her suitability for the position of Finance Assistant in the course of her participation in the 2014 recruitment process for the positions of Finance Assistant and Cashier.

49. The Appellant's suitability for the position in 2014, as admitted by the Commissioner-General, was insufficient to compel the Field Human Resources Officer to consider the Appellant's suitability over the operational needs of the hiring department. We consider that exercising discretion to hire persons whose duties are similar to the requirements of the role and who are more familiar with the duties of the position is not illegal, unfair or unreasonable. We are therefore in agreement with the UNRWA DT's finding that preferring candidates with

be suitable for the position." Paragraph 15(b) of FTI 01/2016 provides that, following the discussion with the Hiring Department, the Field Human Resources Officer may for grades 1-10 "[d]ecide to make an exception to normal recruitment procedures to determine which of the applicants should be allowed to transfer, including a possible interview, without going through the complete recruitment procedure".

prior experience in the exact role in this case was not so unreasonable as to constitute abuse of discretion.

50. Further, by contacting the Appellant on 19 August 2021 to enquire about her interest in transferring to the post of Finance Assistant, the Field Human Resources Officer had complied with the mandatory procedural requirement in considering multiple transfer requests for the same post, as spelled out in paragraph 14 of FTI 01/2016. Thus, the procedure by which the Agency arrived at its decision to deny the Appellant's request was legal.

51. Additionally, the principles of staff selection in broader terms support the approach of the UNRWA DT and this Tribunal to the exercise of discretion in deciding on such requests. In *Khan*, the Appeals Tribunal held that the considerations of the Administration may include those not explicitly listed in the governing issuance, provided that the considerations are "rationally connected to the power of the Secretary-General to secure the highest standards of efficiency, competence and integrity in making appointments", noting that:²⁹

(...) [I]n exercising its discretion to make a selection, the Administration is not restricted to factors or considerations explicitly listed in any governing legal instrument. It may consider all relevant factors, as long as the factors are not arbitrary, irrational or capricious. (...)

52. Again, paragraph 9(a) of FTI 01/2016 makes it clear that the discretionary powers of the Field Human Resources Officer in deciding on a transfer request include determining the degree to which to take into account the existence of compelling personal or humanitarian reasons for the transfer.

53. In the instant case, Ms. El Khaled had advanced the desire to move from a project-funded position to a regular position for personal or humanitarian reasons when she submitted a request for transfer on 11 July 2016. The Appellant argues that the Respondent did not state whether the other two candidates offered similar compelling and humanitarian reasons in their transfer requests.

54. In reply, the Respondent contends that the relevant documentation demonstrated that all three staff members seeking transfer had indicated in their requests the same compelling

²⁹ *Nazma Banaras Khan v. Secretary-General of the United Nations*, Judgment No. 2022-UNAT-1199, para 38.

humanitarian reason, to wit, the wish to have their post regularized under the regular programme budget.

55. The Appellant further contends that the Agency did not take into account her ill health and that the UNRWA DT erred in not analyzing the fact that she had visited her doctor, who was a staff member of the Agency, before the contested decision was taken and, by extension, the Field Human Resources Officer had been notified of her cancer diagnosis. She submits that by not taking into account her new compelling reason for the transfer, the Administration reached a decision which was unreasonable, biased and unfair.

56. The UNRWA DT stated that it could not find by a preponderance of the evidence that the Field Human Resources Officer had been on notice of the Appellant's diagnosis when taking the contested decision. The UNRWA DT so found because, after having been diagnosed, she did not amend or update her transfer request to inform the Field Human Resources Officer of the compelling new reason for the transfer, nor provide this information in her multiple e-mails sent between 19 August 2021 and 26 January 2022 to various Field Human Resources Officers when requesting an update on her transfer request.

57. The Appellant averred that she informed her supervisor of her diagnosis verbally in September 2021, but the UNRWA DT held that the evidence provided in support of that allegation was dated after the contested decision had already been taken, and the e-mail submitted by her does not mention her diagnosis and does not establish that the decision-makers were on notice of her diagnosis at the time.

58. It is trite law that medical records of patients are confidential, and it is proscribed for medical doctors to share a patient's medical records with a third party without the patient's informed consent. We are therefore in agreement with the Respondent that the Appellant's assertion that the Agency should have been aware of her diagnosis because her doctor was a staff member of the Agency is regrettably misplaced.

59. For the aforementioned reasons, we dismiss the appeal and uphold the UNRWA DT's Judgment.

Judgment

60. Ms. El Khaled's appeal is dismissed, and Judgment No. UNRWA/DT/2022/055 is hereby affirmed.

Original and Authoritative Version: English

Dated this 22nd day of March 2024 in New York, United States.

(Signed)

Judge Forbang, Presiding

(Signed)

Judge Gao

(Signed)

Judge Sheha

Judgment published and entered into the Register on this 30th day of April 2024 in New York, United States.

(Signed)

Juliet E. Johnson, Registrar