



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Judgment No. 2025-UNAT-1547

**Inas Margieh
(Appellant)**

v.

**Secretary-General of the United Nations
(Respondent)**

JUDGMENT

Before:	Judge Abdelmohsen Sheha, Presiding Judge Katharine Mary Savage Judge Graeme Colgan
Case No.:	2024-1968
Date of Decision:	27 June 2025
Date of Publication:	8 July 2025
Registrar:	Juliet E. Johnson

Counsel for Appellant:	Self-represented
Counsel for Respondent:	Amanda Stoltz

JUDGE ABDELMOHSEN SHEHA, PRESIDING.

1. Ms. Inas Margieh (Ms. Margieh), a staff member of the UN Women Palestine Country Office, contested before the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) what she described as “the administrative decision to reassign her to a lesser post following internationalization of her post by creation of a new post of Deputy Special Representative, which [took] away her main functions and duties as well as her leadership role in the [O]rganization as a member of the country office management team” (contested decision).
2. On 25 September 2024, by Judgment on Receivability No. UNDT/2024/063 (impugned Judgment),¹ the Dispute Tribunal dismissed Ms. Margieh’s application as not receivable *ratione materiae*.
3. Ms. Margieh lodged an appeal against the impugned Judgment with the United Nations Appeals Tribunal (UNAT or Appeals Tribunal).
4. For the reasons set out below, the Appeals Tribunal dismisses the appeal and affirms the impugned Judgment.

Facts and Procedure

5. On 1 May 2013, Ms. Margieh joined the UN Women Office in the occupied Palestinian territory (oPt) as a National Programme Officer at the National Officer C (NOC) level on a fixed-term appointment (FTA).
6. In 2022, as part of a business transformation process (BTP), UN Women began reviewing its organizational structure and practices. It also conducted a functional review of its presence in the oPt.
7. In November 2022, UN Women’s Regional Office Management, together with the Global Change Management team, approved a revised structure for the oPt Office.
8. On 20 December 2022, as part of implementing the BTP recommendations, the UN Women’s Special Representative in the oPt office (Special Representative) shared with Ms. Margieh the proposed revised Terms of Reference (ToR) for her current position – in which

¹ *Margieh v. Secretary-General of the United Nations*, Judgment No. UNDT/2024/063.

her title was changed to “Programme Specialist/Coordinator (Intergovernmental and Normative Engagement)” – and invited her to review and provide comments.²

9. On 14 June 2023, the Special Representative also shared with Ms. Margieh the ToR for the post of “Strategic Planning Specialist”, another post at the NOC level within the oPt Office, for her review and comments.³ Ms. Margieh was offered the opportunity to transfer to that position if she preferred.⁴

10. In the following months, the Administration offered several times to Ms. Margieh to choose between the two posts at the NOC level, but she did not make a choice.

11. On 26 October 2023, as a result of the BTP, the Administration advertised a newly created post of Deputy Special Representative (DSR) located in the oPt Office.

12. On 20 December 2023, Ms. Margieh requested management evaluation of “the drastic alteration of [her] ToRs and the taking away of her core duties by creation of a new post of [DSR], among other actions”. She claimed that these actions “[had] been ongoing since 2019 but became apparent on 26 October 2023 when a newly created post was advertised with the purpose of officially taking away [her] core functions”.⁵

13. On 2 February 2024, the UN Women Director of Human Resources informed Ms. Margieh by letter that her request for management evaluation was not receivable *ratione materiae*, as she had “been unable to identify in the request a single contestable administrative decision alleging non-compliance with [her] contract of employment or terms of appointment otherwise within the 60 day window, and that could amount to adverse legal consequences”. In any event, the Director of Human Resources noted that he did “not see any evidence to support [her] claim that the alteration of [her] ToRs or the creation of the DSR post was unlawful” and could not “identify any other relevant ‘actions’ that may have been unlawful”.⁶

² UNDT Response, Annex R-9, E-mail exchange between an Ombudsman Consultant, the Special Representative and Ms. Margieh from 18 to 20 December 2022.

³ UNDT Response, Annex R-10, E-mail from the Special Representative to Ms. Margieh dated 14 June 2023.

⁴ Impugned Judgment, para. 7.

⁵ Management evaluation request dated 20 December 2023.

⁶ Management evaluation response dated 2 February 2024.

14. On 16 April 2024, as part of the implementation of the BTP, the Administration informed Ms. Margieh that she had been assigned the ToR of “Programme Specialist/Coordinator (Intergovernmental and Normative Engagement)”, effective that same day.⁷

15. On 29 April 2024, Ms. Margieh filed an application with the Dispute Tribunal challenging the contested decision.

Impugned Judgment

16. On 25 September 2024, the Dispute Tribunal issued the impugned Judgment, dismissing Ms. Margieh’s application as not receivable *ratione materiae*. The UNDT first determined that Ms. Margieh was challenging two decisions: i) the creation of the post of DSR; and ii) the decision “to reassign her to a lesser post”.⁸

17. Regarding the creation of the DSR post, the UNDT, recalling that Tribunals will not interfere with a genuine organizational restructuring exercise, concluded that this decision did not constitute an administrative decision subject to judicial review.⁹ The UNDT held that the creation of the DSR post did not produce direct legal consequences affecting Ms. Margieh’s terms of appointment or contract of employment, as she “remained in employment, with the same post and ToRs”, and her “role, duties and responsibilities remained unaffected”.¹⁰

18. The UNDT also rejected Ms. Margieh’s contention that the decision “to alter her ToRs and reassign her to a new post was reached before her formal reassignment of 16 April 2024 and became apparent to her on 26 October 2023”, when the Administration advertised the newly created DSR post. The UNDT concluded that Ms. Margieh’s contention failed to consider, among other things, “the subsequent exchanges between the Administration and [her] with the aim of a proficient and agreed implementation of the BTP, [and] the administrative decision formally taken only on 16 April 2024 with specific reference to [her] position”.¹¹

19. Turning to the decision to reassign Ms. Margieh to “a lesser post”, the UNDT held that, while this decision did constitute a reviewable administrative decision, her claim was still not receivable, as she failed to request management evaluation of that decision – a mandatory

⁷ E-mail from the Special Representative to Ms. Margieh dated 16 April 2024 and its annex.

⁸ Impugned Judgment, para. 21.

⁹ *Matadi et al. v. Secretary-General of the United Nations*, Judgment No. 2015-UNAT-592, para. 17.

¹⁰ Impugned Judgment, para. 31.

¹¹ *Ibid.*, para. 32.

prerequisite for the filing of an application before the UNDT pursuant to Article 8(1)(c) of the Dispute Tribunal Statute (UNDT Statute).¹²

20. As a result, the UNDT rejected Ms. Margieh's application as not receivable *ratione materiae*.

Procedure before the Appeals Tribunal

21. On 25 November 2024, Ms. Margieh filed an appeal against the impugned Judgment with the Appeals Tribunal, to which the Secretary-General responded on 24 January 2025.

Submissions

Ms. Margieh's Appeal

22. Ms. Margieh requests the Appeals Tribunal to reverse the impugned Judgment and order the case be remanded to the Dispute Tribunal for determination on the merits.

23. Ms. Margieh also requests an oral hearing before the Appeals Tribunal, arguing that "[t]he case is complex, with most of the evidence being indirect evidence that must be inferred from circumstances".

24. Ms. Margieh contends that the UNDT erred in fact and in law by concluding that the decision to create the DSR post did not have any adverse direct consequences on her. On the contrary, she asserts that the creation of the DSR post amounted to an implied administrative decision, as it duplicated her ToR and resulted in her reassignment to a different post with significantly altered duties and responsibilities including, among other things, the loss of her senior leadership role. Ms. Margieh adds that the 16 April 2024 written decision to assign her to the ToR of "Programme Specialist/Coordinator (Intergovernmental and Normative Engagement)" was merely a reiteration of this prior implied administrative decision.

25. Ms. Margieh submits that on 12 September 2023, prior to the posting of the DSR post, the Administration had already removed her position from the organigram and indicated that a new post of "Programme Specialist/Coordinator (Intergovernmental and Normative Engagement)"

¹² *Ibid.*, paras. 36-40.

had been filled. She also asserts that on 28 September 2023, she was informed that she would be reassigned to a new post.

26. In light of the above, Ms. Margieh argues that she filed her request for management evaluation in a timely manner, i.e., “within 60 days of becoming aware of the posting of a DSR position duplicating her original role and leading to her reassignment, which entailed removing her original duties and responsibilities”.

The Secretary-General’s Answer

27. The Secretary-General requests the Appeals Tribunal to dismiss the appeal in its entirety.

28. With regard to Ms. Margieh’s request for an oral hearing, the Secretary-General does not submit any specific argument.

29. The Secretary-General contends that the UNDT correctly concluded that Ms. Margieh’s application was not receivable *ratione materiae*.

30. The Secretary-General submits that the UNDT correctly determined that the creation of the DSR post did not constitute an appealable administrative decision, as it did not result in any adverse impact on Ms. Margieh, who remained employed in the same post and under the same ToR. In particular, the Secretary-General highlights that Ms. Margieh’s “role, duties, and responsibilities had remained unaffected while discussions were ongoing regarding the implementation of the BTP with particular respect to [her] appointment”. He further observes that these discussions, which continued until March 2024, included the possibility of moving Ms. Margieh to another post at the NOC level.

31. The Secretary-General argues that Ms. Margieh failed to demonstrate any error warranting a reversal of the impugned Judgment, but instead merely disagrees with her new title and related ToR. In this regard, the Secretary-General emphasizes that Ms. Margieh’s assertion that the decision to assign her to the ToR of “Programme Specialist/Coordinator (Intergovernmental and Normative Engagement)” was made prior to April 2024 is misguided and incorrect. On the contrary, the Secretary-General contends that the creation of the DSR post is a distinct decision from the decision to assign Ms. Margieh the ToR of “Programme Specialist/Coordinator (Intergovernmental and Normative Engagement)”.

32. Last, regarding the decision to reassign Ms. Margieh to “a lesser post”, the Secretary-General submits that the UNDT correctly concluded that the purported adverse impacts identified by Ms. Margieh were a consequence of the 16 April 2024 decision to assign her the ToR of “Programme Specialist/Coordinator (Intergovernmental and Normative Engagement)”, a decision that had not been submitted to mandatory management evaluation. In any event, the Secretary-General contends that this decision was lawful and did not negatively impact Ms. Margieh, who “remained at the same level of NOC”, with “revised ToR and title correspond[ing] and [being] commensurate with her level, competence, skills, and experience in the field”.

Considerations

Preliminary issue on oral hearing

33. Ms. Margieh requests this Tribunal to hold an oral hearing.

34. Article 8 of the Appeals Tribunal Statute (Statute) and Article 18(1) of its Rules of Procedure allow this Tribunal to hold oral hearings when such hearings “would assist in the expeditious and fair disposal of the case”.

35. In the present case, the factual and legal issues arising from the appeal have already been clearly defined by the parties, and we are not convinced that an oral hearing would assist in the expeditious and fair disposal of the case.¹³ Therefore, Ms. Margieh’s request must be dismissed.

Merits

36. In her appeal, Ms. Margieh contends that the UNDT erred in fact and in law when: i) it found that the decision establishing the post of DSR did not have any direct adverse consequences for her; and ii) it failed to identify an implied administrative decision taken prior to the 16 April 2024 explicit letter that formally notified Ms. Margieh of her new ToR.

¹³ *Lilian Ular v. Secretary-General of the United Nations*, Judgment No. 2024-UNAT-1409, para. 42.

Whether the UNDT erred in finding that the decision establishing the post of DSR did not have any direct adverse consequences for Ms. Margieh

37. The jurisprudence of this Tribunal is well settled in matters of organizational restructuring. In *Mkhabela*, we ruled that “the Organization has the power to restructure some or all its departments or units, including the abolition of posts, the creation of new posts and the redeployment of staff. The Appeals Tribunal will not interfere with a genuine organisational restructuring even though it may have resulted in the loss of employment of staff”.¹⁴

38. Further, regarding the identification of a reviewable administrative decision, we recall that Article 2(1) of the UNDT Statute reads:

The Dispute Tribunal shall be competent to hear and pass judgement on an application filed by an individual, as provided for in article 3, paragraph 1, of the present statute, against the Secretary-General as the Chief Administrative Officer of the United Nations:

(a) To appeal an administrative decision that is alleged to be in non-compliance with the terms of appointment or the contract of employment. (...)

39. In this respect, we have consistently defined an administrative decision subject to judicial review as “a unilateral decision taken by the administration in a precise individual case (individual administrative act), which produces direct legal consequences to the legal order. Thus, the administrative decision is distinguished from other administrative acts, such as those having regulatory power (which are usually referred to as rules or regulations), as well as from those not having direct legal consequences”.¹⁵

40. Therefore, the key characteristics of an administrative decision subject to judicial review are that it is: i) taken by the Administration; ii) unilateral; iii) of individual application; and iv) it carries direct legal consequences.

41. Before the UNDT, Ms. Margieh was in essence contesting the establishment of the post of DSR resulting from the BTP exercise undertaken by UN Women to restructure the oPt Office. However, as rightly confirmed by the UNDT, the review of the organizational structure is an administrative decision of a general nature that does not, by itself, produce direct legal consequences for the affected staff members. Indeed, a restructuring exercise may lead to indirect

¹⁴ *Lolo Mkhabela v. Secretary-General of the United Nations*, Judgment No. 2022-UNAT-1289, para. 41 (internal footnote omitted).

¹⁵ *Emma Reilly v. Secretary-General of the United Nations*, Judgment No. 2022-UNAT-1309, para. 78 (internal citation omitted).

consequences for staff members. However, what may be contested in such a context is the final administrative decision taken by the Administration in relation to each individual staff member following the conclusion of the restructuring exercise.

42. We therefore agree with the UNDT that the decision establishing a new position of DSR in the oPt Office organigram is a decision of general nature that did not produce direct legal consequences for Ms. Margieh. Accordingly, we find that the decision did not meet the definition of a reviewable administrative decision and, therefore, we affirm the UNDT's finding that Ms. Margieh's application was on this point not receivable *ratione materiae*.

43. The Appeals Tribunal is cognizant that the ToR for the newly established position of DSR transferred to the incumbent some duties and responsibilities that were previously part of Ms. Margieh's ToR. However, this reallocation of duties and responsibilities alone is insufficient to conclude that the creation of the position of DSR produced direct legal consequences for Ms. Margieh. What actually produced such effects was the subsequent administrative decision altering Ms. Margieh's ToR.

Whether the UNDT erred when it failed to identify an implied administrative decision taken prior to the 16 April 2024 explicit letter that formally notified Ms. Margieh of her new ToR

44. In the impugned Judgment, the UNDT found that Ms. Margieh failed to submit a management evaluation request (MER) against the Administration's decision of 16 April 2024, assigning her the ToR for the position of Programme Specialist/Coordinator (Intergovernmental and Normative Engagement). Absent an MER, this part of her application was considered not receivable *ratione materiae*.

45. On this point, the Dispute Tribunal rejected Ms. Margieh's argument that the change to her new ToR occurred earlier than 16 April 2024, by an implied administrative decision that had been subject to management evaluation on 20 December 2023. The UNDT held that Ms. Margieh's argument was speculative, finding that the Administration's decision was that of 16 April 2024.

46. On appeal, Ms. Margieh seeks to convince this Tribunal that an implied administrative decision altering her ToR had been made in September and October 2023. As an MER contesting that implied decision was submitted on 20 December 2023, she argues that the requirement for a timely MER was met. On that basis, Ms. Margieh submits that the 16 April 2024 decision was a

mere reiteration of the implied administrative decision. Accordingly, she maintains that the UNDT erred when it failed to consider that implied administrative decision and to acknowledge that she had contested it through management evaluation.

47. We do not find merit in Ms. Margieh's argument.

48. As we ruled in *Nguyen-Kropp & Postica*, "certain administrative processes (...) are preparatory decisions or one of a series of steps which lead to an administrative decision. Such steps are preliminary in nature and may only be challenged in the context of an appeal against a final decision of the Administration that has direct legal consequences".¹⁶ Ms. Margieh's case is not different. After the 26 October 2023 publication of the DSR position, the case record shows proof of further exchanges between the Administration and Ms. Margieh for the finalization of her new ToR.¹⁷ Subsequent to these preparatory steps, the final decision altering Ms. Margieh's ToR was formalized on 16 April 2024. It is this administrative decision that should have been submitted to management evaluation. By failing to do so as required under Article 8(1)(c) of the UNDT Statute,¹⁸ we agree with the Dispute Tribunal that this part of Ms. Margieh's application was not receivable *ratione materiae*.

49. For these reasons, the appeal fails.

¹⁶ *Nguyen-Kropp & Postica v. Secretary-General of the United Nations*, Judgment No. 2015-UNAT-509, para. 33.

¹⁷ See the Special Representative's e-mail to Ms. Margieh of 11 December 2023 thanking her for her comments on the project ToR.

¹⁸ *Fernando Miguel Salon v. Secretary-General of the United Nations*, Judgment No. 2024-UNAT-1432, paras. 46-47.

Judgment

50. Ms. Margieh's appeal is dismissed, and Judgment No. UNDT/2024/063 is hereby affirmed.

Original and Authoritative Version: English

Decision dated this 27th day of June 2025 in New York, United States.

(Signed)

Judge Sheha, Presiding

(Signed)

Judge Savage

(Signed)

Judge Colgan

Judgment published and entered into the Register on this 8th day of July 2025 in New York, United States.

(Signed)

Juliet E. Johnson,
Registrar