



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

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Judgment No. 2025-UNAT-1553

**Dua Smadi  
(Applicant)**

**v.**

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

## **JUDGMENT ON APPLICATION FOR INTERPRETATION**

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Before:	Judge Gao Xiaoli, Presiding Judge Katharine Mary Savage Judge Abdelmohsen Sheha
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Case No.:	2024-1969
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Date of Decision:	27 June 2025
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Date of Publication:	24 July 2025
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Registrar:	Juliet E. Johnson
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Counsel for Applicant:	Self-represented
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Counsel for Respondent:	Stephen Margetts
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**JUDGE GAO XIAOLI, PRESIDING.**

1. Ms. Dua Smadi (Ms. Smadi), a staff member of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA or the Agency), contested the decision not to reclassify her post of Deputy Head Health Centre (D/HHC) “A” from Grade HL6 to Grade HL7.
2. By Judgment No. UNRWA/DT/2023/016,<sup>1</sup> the UNRWA Dispute Tribunal (UNRWA DT) rescinded the contested decision and ordered that the Commissioner-General was to pay to Ms. Smadi the difference from 1 August 2017 between the salaries and associated entitlements of Grade HL6 and step which she held, and Grade HL7 and step to which she was entitled. The Commissioner-General lodged an appeal of the UNRWA DT Judgment with the United Nations Appeals Tribunal (Appeals Tribunal or UNAT). By Judgment No. 2024-UNAT-1415 (UNAT Judgment),<sup>2</sup> the Appeals Tribunal dismissed the appeal and affirmed the UNRWA DT Judgment.
3. Ms. Smadi filed an application for interpretation of the UNAT Judgment.
4. For the reasons set out below, the Appeals Tribunal dismisses the application.

**Facts and Procedure**

5. Ms. Smadi served as a Medical Officer with managerial responsibilities, at Grade 15, assisting the Head Health Centre “A” in managing the Irbid New Health Centre, Jordan Field Office.<sup>3</sup>
6. On 7 December 2016, the Agency issued Area Staff Circular No. A/05/2016 (Information on Occupational Health Salary Scale and Post Harmonization) informing staff members about the Commissioner-General’s decision to introduce a new Occupational Health Salary Scale (OHSS), which would come into effect on 1 January 2017. According to the new OHSS, all posts of Medical Officer (including those with managerial responsibilities) at Grade 15 were transitioned to Grade HL6 and all posts of Head Health Centre “B” at Grade 15 were transitioned to Grade HL7.<sup>4</sup>

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<sup>1</sup> *Smadi v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment dated 30 March 2023.

<sup>2</sup> *Dua Smadi v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment dated 19 April 2024.

<sup>3</sup> UNAT Judgment, para. 11.

<sup>4</sup> *Ibid.*, paras. 13 and 15.

7. Accordingly, on 20 December 2016, Ms. Smadi was informed that her grade under the new OHSS would be HL6, Step 15, effective 1 January 2017.<sup>5</sup>

8. All the Medical Officers with managerial responsibilities went through a selection process to be promoted to the reclassified posts.<sup>6</sup>

9. In response to her repeated requests that her post be reclassified at Grade HL7 instead of Grade HL6 under the new OHSS, on 29 July 2019, Ms. Smadi was informed of the contested decision.<sup>7</sup> Following the submission of her request for decision review, she challenged the contested decision before the UNRWA DT.

10. By Judgment No. UNRWA/DT/2023/016, the UNRWA DT decided:

- i) The decision not to reclassify the Applicant's post at Grade HL7 is rescinded;
- ii) The Respondent is to pay to the Applicant the difference between the salaries and associated entitlements between her current Grade of HL6 and step and the Grade HL7 and step to which she was entitled from 1 August 2017;
- iii) All other pleas are rejected;
- iv) The present Judgment is subject to appeal before the UNAT by either Party in accordance with the provisions of the UNAT's Statute. If not appealed, the present Judgment becomes executable as of 30 May 2023 and the Respondent is obliged to pay the above sums to the Applicant on or before 30 July 2023, during which period the US Prime Rate applicable as of 30 May 2023 shall apply. If the sums are not paid on or before 30 July 2023, an additional five percentage points shall be added to the US Prime Rate until the date of payment; and
- v) If the Applicant wishes to request an Arabic translation of the Judgment, she must do so on or before 29 May 2023. In the event she does make such a request, the above dates will be extended by the number of days between the issuance of this Judgment and the provision of the Arabic translation.

11. The UNRWA DT considered that a time limit of six months for the reclassification exercise and implementation of the posts at HL7 in other areas than the Gaza Field Office was reasonable and sufficient and therefore the difference had to be paid as from 1 August 2017 in Ms. Smadi's case.<sup>8</sup>

<sup>5</sup> *Ibid.*, para. 14.

<sup>6</sup> *Ibid.*, para. 28.

<sup>7</sup> *Ibid.*, paras. 21-22.

<sup>8</sup> *Ibid.*, para. 30.

12. The Commissioner-General appealed.

*The prior Appeals Tribunal Judgment*

13. By Judgment No. 2024-UNAT-1415 dated 19 April 2024, the Appeals Tribunal dismissed the Commissioner-General's appeal and affirmed the UNRWA DT Judgment. The Appeals Tribunal noted:<sup>9</sup>

(...) The compensation to be paid to Ms. Smadi should compensate the actual loss of income she incurred from the moment her reclassification should have been implemented. (...)

(...) In conclusion, the UNRWA DT did not err in law or fact in holding that Ms. Smadi should be paid the difference in salary and associated entitlements from 1 August 2017.

*Subsequent facts and procedure*

14. Following the issuance of the UNAT Judgment, the Agency implemented it by placing Ms. Smadi at her post of D/HHC "A" at Grade HL7, Step 4.<sup>10</sup>

15. In response to Ms. Smadi's 3 August 2024 request for decision review (RDR) concerning the implementation of the UNAT Judgment, the Agency advised on 11 November 2024:<sup>11</sup>

From the outset we note that the Decision is not an administrative decision that may be contested by way of an RDR, but rather an implementation of the DT and UNAT Judgments. Should you disagree with the Decision, an appropriate course for challenging it would be applying to the Appeals Tribunal for an interpretation of the UNAT Judgment.

(...) The basis for your claim is that upon transfer to the OHSS, certain staff preserved their steps. However, we note that your case does not concern "transition" or "transfer" to the new scale, but instead, concerns the reclassification of your post. (...) The UNRWA DT expressly "distinguishe[d] between the 2017 decision to transition [your] post to HL6, which [was] non-receivable, and the 2019 rejection of [your] request to be reclassified at HL7, which [was] receivable", and found, *inter alia*, that your post should have been reclassified to grade HL7 effective 1 August 2017, not January 2015. You did not appeal these findings, and the DT Judgment was affirmed by the UNAT. As stated above, the Decision is therefore distinguished from the implementation of the OHSS in January 2017 and relates to reclassification of your post as of 1 August 2017.

The step level upon reclassification is expressly regulated under the Area Staff Rules. Paragraph 3 of Area Staff Rule 103.3 sets out the rules for progression upon reclassification

<sup>9</sup> *Ibid.*, paras. 44-45.

<sup>10</sup> Application form, Section III; Commissioner-General's comments, para. 4.

<sup>11</sup> Application form, Section III (footnote omitted).

and provides that “staff member in continuous service shall be placed on the step of the higher grade that reflects the same base salary or higher where the nearest higher step in the higher grade is required” (emphasis added). Your salary at grade HL6, step 15 as of 1 August 2017 was JOD1,668.200. Accordingly, your step under higher grade HL7 was calculated at step 4, with a salary JOD1,700.600. This calculation is consistent with and mandated by the Staff Rule.

Regarding the question of rates. As per paragraphs 45 and 46 of the UNAT Judgment and 48 (iv) of the DT Judgment, US Prime Rate shall apply as of 30 May 2023. In line with the UNAT jurisprudence, US Prime Rate shall be payable from the date of the issuance of the DT Judgment. The additional five percentage points are applicable starting from 60 days after the UNAT Judgment, from 18 June 2024 until the date of payment. In view of the above, we affirm the Decision and will ensure that the Director of Human Resources amends the applicable rates applied to the sum owing as set out above.

16. On 26 November 2024, Ms. Smadi filed the application for interpretation of the UNAT Judgment, on which the Commissioner-General filed comments on 6 January 2025.

### **Submissions**

#### **Ms. Smadi’s Application for Interpretation**

17. Ms. Smadi submits that when the Agency executed the UNRWA DT Judgment and reclassified her at Grade HL7, it “down stepped” her to Step 4. She should be at Step 15 because she was at Grade 15 Step 15 before the new OHSS. The Agency manipulated the UNRWA DT Judgment by granting her Grade HL7 but the salary of only Grade HL6.

18. Ms. Smadi argues that this is a violation of the principle of equal pay for equal work. All her colleagues who were Medical Officers “A”, Grade 15, with managerial roles, had been transitioned under the new OHSS to the same Step of Grade HL7 they were at in the previous grading system. The Agency declined to treat her as having transitioned to Grade HL7 under the new OHSS as of 1 January 2017. As the Agency instead considered the implementation of the UNRWA DT Judgment as reclassification from HL6 to HL7 as of 1 August 2017, it granted her only the same or nearest salary she had and denied her the right to be treated equally to her colleagues.

19. Ms. Smadi contends that the Agency applied the US Prime Rate from the issuance of the UNRWA DT Judgment while, pursuant to that Judgment, the US Prime Rate should be payable from 1 August 2017.

**The Commissioner-General's Comments**

20. The Commissioner-General requests the Appeals Tribunal to dismiss the application for interpretation.

21. The Commissioner-General contends that the determination of Ms. Smadi's Step at Grade HL7 was in line with the applicable legal framework under which a staff member is placed at the nearest higher step in the higher grade. Her salary at Grade HL6 Step 15 as of 1 August 2017 was JOD1,668.200. Accordingly, her Step under Grade HL7 was calculated at Step 4, with a salary of JOD1,700.600. No legal basis exists to place her, upon reclassification, at the same Step at which she was at Grade HL6. In addition, the reclassification decision at issue in the present case is distinct from the decision regarding transition to the OHSS. Her contestation of the 2017 decision to transition her to Grade HL7 was not receivable.

22. The Commissioner-General submits that the UNAT Judgment and the UNRWA DT Judgment clearly do not make provision for payment of interest at the US Prime Rate from 1 August 2017.

**Considerations**

23. Article 11(3) of the UNAT Statute provides that "[e]ither party may apply to the Appeals Tribunal for an interpretation of the meaning or scope of the [judgment]".

24. As we have held in *Rolli*, "[a]n interpretation application must, under Article 11(3) of the UNAT Statute, establish that the meaning or scope of the judgment as worded is equivocal or otherwise so unclear that the parties cannot reasonably agree on what it requires either or both to do to satisfy or implement the judgment".<sup>12</sup>

25. Following our jurisprudence, "interpretation is only needed to clarify the meaning of a judgment when it leaves reasonable doubt about the will of the Tribunal or the arguments leading to a decision. But if the judgment is comprehensible, whatever opinion the parties may have about it or its reasoning, an application for interpretation is not admissible."<sup>13</sup>

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<sup>12</sup> *Angiolo Rolli v. Secretary-General of the World Meteorological Organization*, Judgment No. 2025-UNAT-1540, para. 21.

<sup>13</sup> *Ann-Christin Raschdorf v. Secretary-General of the United Nations*, Judgment No. 2024-UNAT-1438, para. 57.

26. In our prior Judgment No. 2024-UNAT-1415, we dismissed the Commissioner-General's appeal, addressing only the time from which the salary difference should be calculated, and affirmed Judgment No. UNRWA/DT/2023/016. On 22 March 2024, the date of the UNAT Judgment, the UNRWA DT Judgment became executable.

27. Ms. Smadi's application for interpretation is based on three grounds: i) she should be reclassified at HL7 Step 15, not Step 4; ii) she should be paid the difference in salary and associated entitlements from 1 January 2017, not 1 August 2017; and iii) the US Prime Rate should be calculated from 1 August 2017, not the date of issuance of the UNRWA DT Judgment.

28. From the UNRWA DT Judgment, in particular the excerpt cited at paragraph 10, it is apparent to us that its meaning and scope is clear. First, the decision not to reclassify Ms. Smadi's post at Grade HL7 was rescinded. No interpretation of this order is necessary. Second, the Commissioner-General was ordered to pay to Ms. Smadi the difference between the salaries and associated entitlements between her current Grade of HL6 and step and the Grade HL7 and step to which she was entitled from 1 August 2017. The language used in this order is unequivocal, as are its terms. Third, the US Prime Rate should apply as of 30 May 2023. It is also clearly expressed in the UNRWA DT Judgment. The UNRWA DT Judgment, in turn, was unambiguously affirmed in the UNAT Judgment.

29. There is no need to interpret the UNAT Judgment to clarify its meaning. As we have reiterated in *Fogarty*, "an application for interpretation is not receivable if its actual purpose is to contest a final judgment or to obtain comments on that judgment".<sup>14</sup> Obviously, Ms. Smadi's purpose is to contest the UNRWA DT or the UNAT Judgment itself, not to clarify its meaning and scope. This is apparent from the fact that she seeks that the order be amended to reflect that she be reclassified HL7 Step 15, not Step 4, when no such order was made in either Judgment. The same applies to her request that she be paid the difference in salary and associated entitlements from 1 January 2017 and not 1 August 2017. The Judgments are express in that her entitlements arose from 1 August 2017. There is no basis to contend that the terms of the UNRWA DT or the UNAT Judgment in this regard were not clear.

30. Therefore, Ms. Smadi's application for interpretation must be dismissed.

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<sup>14</sup> *Margaret Mary Fogarty, Robert Sheffer, Monia Spinardi, Astrid Dispert & Minglee Hoe v. Secretary-General of the International Maritime Organization*, Judgment No. 2021-UNAT-1148, para. 50 (internal citation omitted).

**Judgment**

31. Ms. Smadi's application for interpretation of Judgment No. 2024-UNAT-1415 is dismissed.

Original and Authoritative Version: English

Dated this 27<sup>th</sup> day of June 2025 in New York, United States.

*(Signed)*

Judge Gao, Presiding

*(Signed)*

Judge Savage

*(Signed)*

Judge Sheha

Judgment published and entered into the Register on this 24<sup>th</sup> day of July 2025 in New York, United States.

*(Signed)*

Juliet E. Johnson,  
Registrar