



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

Judgment No. 2018-UNAT-851



**Nemrawi
(Appellant)**

v.

Commissioner-General

Date: 29 June 2018

Registrar: Weicheng Lin

Counsel for Mr. Nemrawi: Self-represented

Counsel for Commissioner-General: Rachel Evers

that a test which was given on 19 April 2015, to evaluate the Applicant's students yielded unsatisfactory results (only 6 percent passed). The document also indicates that the Applicant had been informed of his unachieved objectives and advised to prepare a remedy plan for immediate implementation. Another document in the case files shows that a second test to evaluate the students was given on 23 April 2015, and yielded equally unsatisfactory results (7 percent passed).

... By letter dated 26 April 2015, the Area Education Officer ("AEO"), Irbid Area Office, drew the Applicant's attention to the importance of improving his work and to the negative consequences if the situation did not improve.

... On 26 April 2015, the Applicant's immediate supervisor noted in an email to the Human Resources Assistant that the Applicant's performance had not improved and requested to place him on a formal OTI process.

... The Applicant was enrolled in a formal OTI program from 3 May 2015 to 7 October 2015. The Applicant agreed to the OTI working plan, which set out the unachieved objectives and corresponding performance indicators, and included a list of remedial actions.

... The Applicant acknowledged on 17 June 2015 that the overall rating of "Does

... On 21 January 2016, the CFEP confirmed that the Applicant's performance

diabetic and that his blood sugar increased after the school had notified him of his separation; (iii) the UNRWA DT failed to mention that he had received an “EP” (unknown abbreviation) certificate for Teachers Education/Rehabilitation; and (iv) the UNRWA DT failed to mention the student work sheets and activities that he used while teaching.

6. Based on the foregoing, Mr. Nemrawi seeks the following remedies: (i) reinstatement to his post; (ii) an order for his “supervisors to study all the reports submitted and discuss [his] termination”; and (iii) financial compensation of about USD one million.

The Commissioner-General’s Answer

7. The Commissioner-General submits that the appeal is not founded on any of the grounds of appeal provided for under the Appeals Tribunal Statute. As such, the appeal is defective as the Appeals Tribunal jurisprudence has consistently held that it is not sufficient for an appellant to simply state his disagreement with the outcome of his case or repeat the arguments submitted before the UNRWA Dispute Tribunal. By simply asserting that the UNRWA DT erred without criticizing the reasons underlying the dismissal of his application or identifying any evidence that the UNRWA DT allegedly failed to consider, Mr. Nemrawi is in effect rearguing his case before the Appeals Tribunal. To the extent that Mr. Nemrawi may be contending that the UNRWA DT erred on a question of law by adopting the Commissioner-General’s reply without properly assessing the substance of the case and examining the evidence provided, there is no merit in such a contention as the UNRWA DT referenced the applicable provisions, examined the record and properly concluded that the contested decision what the cted and n6.5(of)5.5(la-s2oNsla-s2ocTf2.69r)1 69 TcT

Considerations

10. As an appellant, Mr. Nemrawi has the burden of establishing that the UNRWA DT Judgment is defective within the meaning of Article 2(1) of the Appeals Tribunal Statute (Statute). He must therefore identify the alleged defects in the Judgment and state the grounds relied upon in asserting that the Judgment is defective, by citing the relevant provision or provisions in Article 2(1) of the Statute.²

11. Article 2(1) of the Statute provides that:³

The Appeals Tribunal shall be competent to hear and pass judgement on an appeal filed against a judgement rendered by the United Nations Dispute Tribunal in which it is asserted that the Dispute Tribunal has:

- (a) Exceeded its jurisdiction or competence;
- (b) Failed to exercise jurisdiction vested in it;
- (c) Erred on a question of law;
- (d) Committed an error in procedure, such as to affect the decision of the case; or
- (e) Erred on a question of fact, resulting in a manifestly unreasonable decision.

12. Article 2(1) of the Statute is supplemented by Article 8(2) of the Appeals Tribunal Rules of Procedure which provides that:

The appeal form shall be accompanied by:

- (a) A brief that explains the legal basis of any of the five grounds for appeal set out in article 2.1 of the statute of the Appeals Tribunal that is relied upon (...).

13. Mr. Nemrawi's appeal is defective in that it fails to identify any of the five grounds of appeal set out in Article 2(1) as forming the legal basis of his appeal. The immaterial matters that he submits in his very brief appeal are that the UNRWA DT mentioned only the low pass rates, that there was a 32 per cent pass rate not mentioned in the Judgment, that the

² *Abdel Rahman v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. 2016-UNAT-610, para. 20; *Aliko v. Secretary-General of the United Nations*, Judgment No. 2015-UNAT-540, para. 28.

³ On 11 December 2009, a Special Agreement was en

