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Judgment No. 20



JUDGE MAHA HALFELD, PRESIDING .

1. The United Nations Appeals Tribunal (Appeals Tribunal or UNAT) has before it an appeal by Mr. Moayyad Naeem Dahoud, against Judgment No. UNRWA/DT/2021/041 issued by the United Nations Relief and Works Agency for Palestine Refugees in the Near East Dispute Tribunal (UNRWA DT), of 15 September 2021 (impugned Judgment), which rejected his application and upheld a contested decision not to pay him a supplemental benefit upon the termination of his services on medical grounds.

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the Medical Board's conclusion, that Mr. Dahoud was not considered eligible for an additional benefit as defined in Area Staff Rule 109.7(7). This is the contested decision.

9. Upon his separation, Mr. Dahoud was paid a disability benefit of 12,237,600 Jordanian Dinars (JOD).

10. On 8 August 2019, Mr. Dahoud submitted a request for decision review.

11. On 27 October 2019, Mr. Dahoud filed an application with the UNRWA Dispute Tribunal.

12. On 13 June 2021, by Judgment UNRWA/DT/2021/041, the UNRWA DT rejected on the merits Mr. Dahoud's application where he requested to be paid additional and suitable compensation, and to be compensated for the moral, psychological, and physical damages that he had suffered and continued to suffer as a result of the contested decision.

Procedure before the Appeals Tribunal

13. On 10 November 2021, Mr. Dahoud appeals to the UNAT against the above-referenced UNRWA DT Judgment.

14. On 10 January 2022, the Commissioner-General filed his answer to the Appeal.

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15. Mr. Dahoud contends that the UNRWA DT judgment was not legal and requests the UNAT to accept his appeal, overturn that judgment and uphold all his rights.

16. Mr. Dahoud submits that the UNRWA DT erred in fact and law when it noted that he had received, as a supplemental benefit3.3 (e)9EMC /LBody2.1 (e) .4 (m)0.7 (ts)0.7 (t)5.5 (h)-3.3 ()-0.6 (ri)21 (e)1.

of service and is compensation payable to every employee whose services have been terminated by UNRWA.

18. Mr. Dahoud also submits that the UNRWA DT erred in fact and law when it ignored a medical report dated 26 February 2019, claiming that it was somewhat vague and based on suspicion. That report contained the decision and conclusions of the Medical Board, indicating that Mr. Dahoud had developed a permanent eight per cent medical impairment and disability because of the service-related injury that he had suffered on 25 March 2018.

19. According to Mr. Dahoud, UNRWA and the member of the DT (Mr. [REDACTED]) (P. 5, ¶ 10) (2/1

evidence, such as medical reports, to the UNRWA DT, demonstrating that his condition had deteriorated significantly and was worsening daily.

22. Mr. Dahoud also contends that the UNRWA DT erred in fact and law when it failed to order him to complete treatment of his service-incurred injury at UNRWA's expense. Accordingly, UNRWA was obliged to pay for all treatment expenses until full recovery or to refer him to another medical board, with a view to determining either his fitness for continued employment with UNRWA or the extent of his medical impairment.

23. According to Mr. Dahoud, the UNRWA DT erred in fact and law when it ignored

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26. The Commissioner-General submits that the UNRWA DT did not err as a matter of fact, law, or procedure when it dismissed Mr. Dahoud's application on the merits, and therefore requests that the UNAT dismiss the Appeal in its entirety.

27. The Commissioner-

31. According to the Commissioner-General, given the authoritative finding of the Medical

disputable that Mr. Dahoud was entitled to and received this disability benefit to the amount of JOD12,237,600 and that he does not contest his amount.

40. What is in dispute in the present case is that, apart from the disability benefit, Mr. Dahoud claims that he is also entitled to the *supplemental benefit*, as specified by Area Staff Rule 109.7(7). According to this provision, where the injury or illness of a staff member has resulted in total and permanent disability of such a nature that the staff member is obliged to depend, for his/her essential personal needs, on the attendance of another person,

staff member is eligible to receive a disability benefit, as in Mr. Dahoud's case.

assertions, there are no witness testimonies in the record before the Appeals Tribunal, which could support his allegation of a significant deterioration of his medical condition.

47. Mr. Dahoud's claim that the Ministry of Health of Jordan established a higher percentage of impairment, in addition to being unsubstantiated, has no impact on Mr. Dahoud's assessment. This is because UNRWA, being an international Agency, should comply with its own internal regulations and not those of the host country, whose external assessments are not binding under the Agency's rules. Likewise, any possible medical reports issued after the conclusion of the Medical Board were belated and thus immaterial for the purposes of the claim of supplemental benefit, as the Agency had taken its decision based on the documents available at the time of the events. Even the higher alleged percentage of 80 per cent impairment, if this were to be considered, would not necessarily mean *total* disability without a medical declaration to this effect.

48. Mr. Dahoud further contends that the UNRWA DT failed to order the Commissioner-General to complete the treatment of his injury, as the Agency was required to pay for all treatment expenses until his full recovery. However, this claim seems to go beyond the scope of the present application, which concerns solely the issue of the supplemental benefit, and not any other compensation deriving from Area Staff Rule 106.4. The UNRWA DT was therefore correct

is indeed incorrect and barred by the principle of legality, which is the first principle of administrative law (and of the rule of law). According to this fundamental principle of administrative law (and of the rule of law).

