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Before

Case N

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JUDGE DEBORAH THOMAS-FELIX, PRESIDING.

1. The United Nations Appeals Tribunal (Appeals Tribunal) has before it an appeal by Mr. Mohammad Mustafa Abdullah of Judgment No. UNRWA/DT/2015/025/Corr.01 rendered by the Dispute Tribunal of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA DT or UNRWA Dispute Tribunal and UNRWA or Agency, respectively) on 19 April 2015,¹ in the case of *Abdullah v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*. On 23 July 2015, Mr. Abdullah filed his appeal, and the Commissioner-General filed his answer on 5 October 2015.

Facts and Procedure

2. The following facts are uncontested:²

... Effective 17 September 1992, the Applicant joined the Agency as a Teacher at Grade 6, Step 1. After successive promotions the Applicant occupied the post of Teacher at Grade 10, Step 12, at Irbid Town Preparatory Boys School No. 2 (“ITPB School”).

... On 19 September 2011, the Applicant was transferred from the ITPB School to the post of Teacher at Grade 10, Step 12, Azmi M. Camp Preparatory Boys School No. 1.

... On 16 February 2012, during a meeting with the Chief, Ethics Office, the Applicant complained that his signature on his annual PER had been forged. By email dated 6 March 2012, the Ethics Office provided the Applicant with a summary note, informing him that his complaint had been referred to the Acting Director of UNRWA Operations, Jordan (“A/DUO/J”).

... The A/DUO/J authorised an investigation to be conducted, and on 17 June 2012 the Applicant was interviewed by a board of investigation.

... By email dated 5 December 2012, the Applicant asked the Field Human

... By letter dated 12 February 2013, the DUO/J responded to the Applicant informing him that not sharing the outcomes of

contested decision, i.e. the fact that he had been “denied his right to learn the results of the administrative measure taken by the Administration with regard to the [aforementioned] complaint” and the denial of his right to appeal that decision, in case he was dissatisfied with it.

7. The UNWRA DT further failed to exercise its jurisdiction by ignoring his claim

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Did the UNRWA DT err in fact and fail to exercise its jurisdiction by considering that Mr. Abdullah's application was limited to contesting the Administration's refusal to inform him of the results of the investigation?

24. The Appeals Tribunal has consistently held that “[i]t was not essential for the UNDT to set out findings on every submission made [...]. This Tribunal has held that ‘[i]t is not necessary for any court, whether a trial or appellate court, to address each and every claim made by a litigant, especially when a claim has no merit’.”⁵

25. Similarly, we find that the UNRWA DT is not required to set out its findings on every submission presented by Mr. Abdullah and the failure to do so certainly does not amount to an error on the part of the UNRWA DT.

26. We agree with the findings of the UNRWA DT that when a complaint is filed by a staff member, that staff member must be informed of the outcome of that complaint, namely:

- I. What are the findings of the investigation panel; and
- II.

moral damages without specific evidence supporting that claim cannot succeed.⁶ Moreover, we have consistently held that not every breach will give rise to an award of moral damages, and, whether or not such a breach will give rise to an award will depend on the nature of the evidence put before the Dispute Tribunal.⁷

29. We uphold the findings of the UNRWA DT that there was no evidence of proof of material or moral damages and its rejection of Mr. Abdullah's claim for compensation. Mr. Abdullah's remaining submissions are without merit and are dismissed.

Judgment

30. The appeal is dismissed and the Judgment of the UNRWA Dispute Tribunal is affirmed.

⁶ *Id.* 25 (MTC/NAC/s @cn 10 m-0c (0) 38 m-0 cisp 4 T 1 23 65 See e.g. - 2002). 53 7al damKozlov 2 (2) 5 6mad (A Da le Gov

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