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J **DGE SABINE KNIENIM, PRES IDING.**

1. The United Nations Appeals Tribunal (Appeals Tribunal) has before it an appeal by Ezzedine Loubani (Mr. Loubani), an Administrative Officer serving at



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*Special Allowance*

20. The UNRWA DT erred on a question of law and fact resulting in a manifestly unreasonable decision in holding that Mr. Loubani's application was not receivable because he himself did not make the request for a special allowance.

21. In principle, we agree with the UNRWA DT that a staff member can only appeal the denial of an advantage, benefit or privilege if he or she has previously requested such advantage, benefit or privilege. Also, a recommendation under para. 6 of PD A/3/Rev.1/Part XI/Amend.5, and the subsequent decision of the Agency will often remain an internal procedure between the supervisor and the Agency in which the staff member is not involved.

22. In the present case, however, we find that the 23 January 2019 recommendation also constitutes a request by Mr. Loubani to the Agency to pay him a special allowance. Not only did the supervisor act on Mr. Loubani's express request when he sent the recommendation to the DHR, but it was also apparent and self-understood to both Mr. Loubani and the Agency that Mr. Loubani was a party to the process. It was Mr. Loubani who sent a follow-up e-mail "Special allowance for Ezzedine/reconsidering his duties" to HR on 24 February 2019, and he was told, on the same day, that the subject request was still under review. To his 20 March 2019 Request for Decision Review, he received an answer from the Deputy Commissioner-General on 18 April 2019, in which she informed him that she understood the request as related to "the decision not to pay you a special allowance" and concluded: "[a]s a result of my review, I find no basis to alter the decision not to pay you a special allowance. You have the right to appeal the decision."

23. The Deputy Commissioner-General clearly did not only address the recommendation made by Mr. Loubani's supervisor but also considered the request by Mr. Loubani himself. She expressly stated that Mr. Loubani had the right to appeal the Agency's decision to reject his request. In this situation, it is erroneous for the UNRWA DT to conclude that Mr. Loubani's

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attached Post Description". Mr. Loubani also claims that other duties and responsibilities of his are misrepresented and that the current PD does not mention his additional duty as Chairman of the Tender Opening Committee



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Judgment

29. The case is remanded to the UNRWA DT for a consideration on the merits.

Original and Authoritative Version: English

Dated this 19 day of March 2021.

*(Signed)*

Judge Knierim, Presiding  
Hamburg, Germany

*(Signed)*

Judge Murphy  
Cape Town, South Africa

*(Signed)*

Judge Raikos  
Athens, Greece

Entered in the Register on this 15 day of April 2021 in New York, United States.

*(Signed)*

Weicheng Lin, Registrar