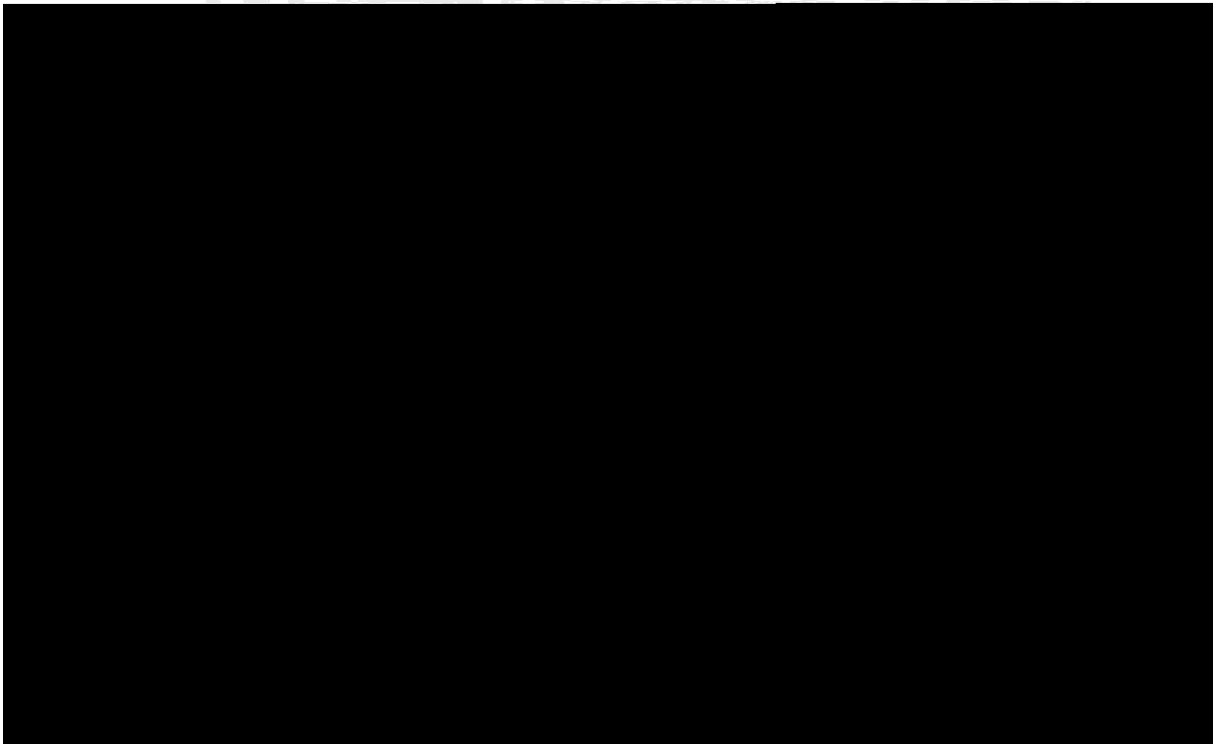


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... On 30 August 2016, [Mr. Sarieddine filed an] application with the UNRWA Dispute Tribunal [against the Agency's decision to transfer Mr. B.Y. to a GF post of P&L Clerk in PLD, Procurement Division, LFO]. (...)

...

... By Order No. 073 (UNRWA/DT/2017) ("Order No. 073") dated 11 June 2017, the [UNRWA Dispute] Tribunal ordered the Respondent to clarify certain details with regard to the Applicant's appointment to a project funded post.

Submissions

Mr. Sarieddine's Appeal

4. Mr. Sarieddine submits that the UNRWA DT erred in fact and in law by deciding that the transfer of Mr. B.Y. was not arbitrary or unlawful and that Mr. Sarieddine had failed to establish otherwise. He takes issue with the review of

duly considered by the UNRWA DT, which correctly stated that this contention was irrelevant since Mr. B.Y. was appointed on the GF post following his request for transfer and not because he was a rostered candidate. With regard to whether the employment roster was established with four or five candidates, Mr. Saredidine fails

14. As stated in Simmons:⁶

... The jurisprudence of the Appeals Tribunal has been that the Administration has the power to restructure and reorganize its units and its departments to lend to greater efficiency. It is therefore not within the remit of the UNDT to pronounce on the exercise of this discretion, as in this case, to determine whether or not rostered candidates should be considered and other internal management issues. This can only be done if there is evidence before the Dispute Tribunal of arbitrary and unlawful exercise of the discretion. (...)

There is no evidence in the instant case to support the allegation of arbitrary and unlawful

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