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5. On 19 April 2017, the USG/OIOS informed the Appellant that the findings detailed in the investigation report confirmed some of the allegations he had made in the complain

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8. On 17 July 2018, the Appellant requested management evaluation of the contested decision. The Appellant argued that because the Deputy Director was neither designated as

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the UNDT held that the decision taken by the Director not to change the reporting lines in relation to the Appellant was an administrative decision and the application was receivable *ratione materiae*.

12. The UNDT then examined the organizational structure and reporting lines of OIOS and concluded that removing the Appellant from the reporting line would be disruptive to the work of the Investigations Division and ST/AI/2010/5 (Performance Management and Development System) did not prohibit the Deputy Director from supervising the Appellant, even though he did not serve as his first or second reporting officer for performance management purposes. Moreover, the Deputy Director had not been sanctioned for misconduct. Hence, the refusal to accede to the Appellant's request (the contested decision) was reasonable.

13. In his appeal brief, the Appellant makes a number of submissions with regard to the findings, orders, and directions of the UNDT concerning his motion to file additional documentary evidence (e-mail correspondence between himself and his lawyer) and the redaction of certain information in various documents admitted into evidence. He makes no request for relief in his appeal with regard to the motion for additional evidence, but requests the Appeals Tribunal to order that all public documents pertaining to his various cases before the UNDT, wherein reference is made to any medical information or medical condition, be redacted to censor such information.

14. Most relevantly, the Appellant submits that the UNDT failed to conduct a proper judicial review to determine if the contested decision was reasonable. He submits that the decision was unreasonable considering the findings in the report of the investigating panel in relation to his allegations of harassment and abuse.

15. The Appellant further takes issue with some of the factual findings of the UNDT pertaining to his contribution to the problem of incompatibility between himself and the Deputy Director.

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16. The Secretary-General

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21. Before the UNDT, the Secretary-General argued that the decision not to re-arrange the managerial role of the Deputy Director *vis-à-vis* the Appellant did not create any legal

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Secretary-General the results of such investigations, together with appropriate recommendations to guide the Secretary-General in deciding on managerial or disciplinary action to be taken. The Investigations Division is headed by a Director who is accountable to the USG/OIOS. The Deputy Director, in Vienna, is accountable to the Director.

26. The Appellant maintains that the Deputy Director is not formally assigned as an additional supervisor in terms of section 5.2 of ST/AI/2010/5 and that as a consequence his *de facto* supervision is unlawful. This is not correct. The fact that a manager does not serve as a staff member's first reporting officer (FRO) or second reporting officer (SRO) for performance evaluation purposes does not prohibit another manager from involvement in a staff member's outputs, particularly where the manager falls within the staff member's same line of supervision. According to section 5.1 of ST/AI/2010/5, the FRO is responsible merely for developing a workplan with the staf



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29. The next question is whether the Director exercised his discretion reasonably when he refused the Appellant's request for a change in reporting lines.

30. The Appellant in his submissions has made much of certain findings of the UNDT that he bore some responsibility for the inco

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36. In the premises, the refusal of the Director to accede to the Appellant's request was reasonable. There was a rational relationship between the contested decision, the objects of the hierarchical reporting lines, the information before the Director and the reasons for the decision. There is accordingly no legal basis to set aside the contested decision.

37. Finally, the Appellant in his appeal brief seeks relief regarding the redaction of certain documents admitted into evidence before the UNDT in UNDT/GVA/2017/075, his appeal against the decision not to pursue disciplinary action against the Deputy Director which culminated in the UNDT's Judgment No. UNDT/2019/129 and the subsequent appeal to the Appeals Tribunal. The Appellant's motions in that regard are not associated with or do not form part of the Judgment No. UNDT/2019/142, which is the subject of this appeal, and have been addressed by this Tribunal in disposing of the Appellant's prior appeal in our Judgment No. 2020-UNAT-1001.

38. The UNDT therefore did not err in dismissing the application and the appeal too must be dismissed.

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