
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/GVA/2015/1 0

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Date: 9) a*+, 201 '

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Before:

1. The Applicant's application submitted (by email on 16 June 2015) and filed (by the Tribunal) on 2 June 2015) the Applicant contests a decision of

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Case No. UNDT/GVA/2015/140

Judgment No. UNDT/2016/017

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g. On the basis of the above and additional facts, the Arbitral Tribunal recommended to award the respondent to pay the costs of the arbitration proceedings. The Arbitral Tribunal also recommended to award the respondent to pay the costs of the arbitration proceedings.

Article 6 on the appointment of the President and the members of the Tribunal and the Secretary-General. The Secretary-General (U: D2) 500 #e+ t+ansa&t%on. Fou too9 se(e+a\$ 8o+9s*o#s on #+o&u+ement N . In 2014) t*e :u##\$" Ass%stant (s%ted UNIC2- ; %\$no&*%&*% <one 5ff%&e to g%(e an 5+entat%on on :u##\$" P+o&u+ement to 5#e+at%ons and P+og+amme Ass%stants. 5n 25 A#+\$ 2012) t*e C*%ef of :u##\$" (s%ted ; %\$no&*%&*% <one 5ff%&e to assist ; <5 %n t*e da"6to6 da" su##\$" o#e+at%ons and V%son t+ansa&t%ons. Fou *a(e *ad suff%&ent t+a%ning to 'e a8a+e t*at "ou+ se%e&t%on #+o&ess 8as %n (o%at%on of UNIC2 - #+o&u+ement #+o&edu+es.

22. As to the second ground for dismissal /#a+a. 1 . ' a'o(e4) t'e &ontested de&%s%on stated>

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Proportionality of sanction

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Procedural irregularities in the conduct of the investigation

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and amounts to gross negligence and constitutes misconduct pursuant to
section 1.4(d) of C-2HD/2012/0056

Irregularities and abuse of authority in the handling of petty cash

and the admission of the Applicant's statements as the "as"
custodian's submitted evidence as follows:

Case No. UNDT/GVA/2015/140

Judgment No. UNDT/2016/017

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Case No. UNDT/GVA/2015/140

Judgment No. UNDT/2016/017

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Case No. UNDT/GVA/2015/140

Judgment No. UNDT/2016/017

62. The Tribunal finds that the fact that the respondent admitted to the issuance of the A# and committed misconduct pursuant to section 1.1 of C-2/HD/2012/005 is not a bar.

63. As to the Tribunal's finding that the A# also used the

dismissal (see not to stand) most notably "the sanction imposed 'e too late' in
respects of the second ground alone. (The Respondent justified in this
case the "the "proportionality" of the sanction imposed on the "as a result of the finding of gross
negligence in the management processes) "it is not an "reference to "regulations in the
"and"ing of "ett" &as*.

67. The Tribunal finds that in the absence of an "loss for the "organizational" an
"reasons" (advantage for the Applicant and) most notably ("the "51A1, s
finding that the "issue of "ett" &as* "s one of "stem" & "a"t"e "e"u"ing the
"m"sementation of "ette" "o"edu"es) the offence related to the second ground for
dismissal "s to "e "onsidered as a minor one.

61. In this respect the Tribunal notes that the "a"t"e of the "e"eta" "Gene"as
"n" d"e" "na" "matte" as "posed "n "s "ea" "nfo"mat"on & "u"sa"s) suggests
that a "tten "ensue "s gene"as" "m"posed to sanction a failure to follow a
"o"edu"e "es" "ed "n adm"n"strat" (e "ssuan"es "e"e "e"e "s next"e" a "loss for
the "organizational" not a "reasons" "enefit for the staff member. "o" "e"am"se) a
"tten "ensue "as "m"posed "n "e" fo"so"ng &ases>

a. A staff member failing to perform satisfactorily "the duties of "o"e"t
su"e" ("so" " "m"o"e" "e"t"f"ing goods as "a"ng "een de" (e"ed and
8o"9 as "a"ng "een satisfactorily" "om"seted "t"out
(e"t"ing /: T/IC/200I/0414G

'. A staff member failing to perform duties pursuant to "o"e"t
"o"u"ement "o"edu"es) "n" "ud"ng " " /a" failing to make efforts to ensure
"om"set"on of "o"u"ement do"umentat"on "n a"o"dan"e "t" "o" ("s"ons of
the "o"u"ement @anua) /'4 failing to ensure that "on"st"ut"on 8o"9s "e"e
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fa and reasons 'se in the present case to a 8 a-d &om#ensat%on in \$%e of +es&%ss%on in an amount e?ua\$ to one "ea+ net 'ase sa\$a+)" 'ased on t*e A##\$%&ant,s sa\$a+" on t*e date of t*e te+m%nat%on of *e+ f%ed6te+m a##o%ntment) %e.) on 6 A#+%\$ 2015.

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Case No. UNDT/GVA/2015/140

Judgment No. UNDT/2016/017