



## **Introduction**

1. By application of 5 January 2022, the Applicant close complaints of harassment and abuse of authority without proper investigation, [and a]
2. On 17 April 2023, the Respondent filed a motion ivability judgment in 2023-UNAT-1313 and further stated his submissions regarding the alleged non-receivability of the application.
3. By Order No. 034 (NY/2023) dated 26 April 2023, the Tribunal ordered the Applicant to file his comments, if any, to the Res
4. On 17 May 2023, the Applicant filed his submissions as per Order No. 034 (NY/2023).

## **Consideration**

contract of employment . This is the case, since it does not have direct effect on a staff member, does not have external

guidelines, and had not been carried out under the presumption of innocence . In the present case, the Applicant makes similar allegations about the Fact-Finding Panel (FFP) investigation into her conduct, and . Because of these alleged procedural irregularities, one of the two remedies the Applicant seeks in this case is that the three complaints she made to OIOS be referred to an independent investigative body for investigation . The findings of the Appeals Tribunal are binding for the Dispute Tribunal and they are applicable in similar cases ;

d. Just as the Appeals Tribunal found in that staff members do not have any right under the governing legal framework to an independent review of an investigation by OAI, which is the independent investigative branch of [the United Nations Development Programme ], providing internal, objective oversight and investigation services and which has operational independence in terms of UNDP Financial Regulation 4.01 and the OAI Charter , in the present case, the Applicant does not have any right to compel OIOS, an operationally independent investigative entity, to conduct an independent review of an investigation by a FFP ;

e. Without claims in Case No. UNDT/NY/2022/003, the result in this case should be the same as in : a finding that the Application is not receivable, given that the contested decisions had no direct effect on the Applicant, had

Case No. UNDT/NY/2022/001

Judgment No. UNDT/2023/061

*Does the*

