

UNDT/2009/050, Koda

UNAT Held or UNDT Pronouncements

The notes taken by the panel contain material that is or may well be relevant to the applicant's case and therefore they should be provided to the applicant. Outcome: The notes taken by the panel to be provided to the applicant, subject to the applicant making an appropriate confidentiality undertaking.

Decision Contested or Judgment/Order Appealed

A fact-finding panel submitted a confidential report on the applicant which cleared her of misconduct allegations but made adverse findings. The undisclosed report made recommendations including that conditions should be attached to the extension of the applicant's contract. The panel's criticisms of her competence were later publicised in an audit report. The applicant alleges a lack of due process and that her treatment amounted to constructive dismissal. This judgment considered the preliminary question of the applicant's access to the notes taken by the panel.

Legal Principle(s)

N/A

Outcome

Judgment entered for Applicant in full or in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Koda

Entity

UN Secretariat

Case Number(s)

UNDT/NY/2009/047/JAB/2008/091

Tribunal

UNDT

Registry

New York

Date of Judgement

19 Oct 2009

Duty Judge

Judge Adams

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Due process

Procedure (first instance and UNAT)