

UNDT/2010/039, Beaudry

UNAT Held or UNDT Pronouncements

There was sufficient material before the Secretary-General, after a fair and impartial investigation, to reach a finding of serious misconduct. The sanction of summary dismissal was fair and proportionate to the seriousness of the offences. The applications are dismissed.

Decision Contested or Judgment/Order Appealed

Summary dismissal of the Applicants. A vendor companies' representative indicated in evidence given in US criminal proceedings that he had offered lavish hospitality to two staff members of the UN Procurement Division in 2002. The UN's internal Procurement Task Force carried out an investigation into the alleged conduct and concluded in a report that such hospitality was lavish, inappropriate and in violation of the Organization's guidance, rules and policy. Both applicants were summarily dismissed in accordance with former staff regulation 10.2, with immediate effect. The applicants appealed the summary dismissal, alleging that these decisions were improperly influenced by the views and concerns of Member States.

Legal Principle(s)

Principles of natural justice and internationally recognized standards: Internationally recognized norms of fairness must be taken into account in examining the thoroughness and fairness of internal UN investigatory and disciplinary procedures, which must comply with the principles of natural justice and internationally recognized standards for reviewing decisions in relation to disciplinary matters in an employment context. Views and concerns of Member States: It is not inappropriate for the Secretary-General to have regard to the views and concerns of Member States. However, the decision of the Secretary-General must accord with internationally respected norms of fairness and justice in both the investigatory and decision making process.

Outcome

Judgment entered for Applicant in full or in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Beaudry

Entity

MINUSTAH

Case Number(s)

UNDT/NY/2009/061/JAB/2009/009

Tribunal

UNDT

Registry

New York

Date of Judgement

4 Mar 2010

Duty Judge

Judge Kaman

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Administrative decision

Appointment (type)

Non-renewal

Reason(s)

Applicable Law

Former Staff Rules

- Rule 111.2(a)
- Rule 112.2(b)
- Rule 304(a)
- Rule 311.1

Related Judgments and Orders

UNDT/2009/006

UNDT/2009/009