

UNDT/2010/118, Cohen

UNAT Held or UNDT Pronouncements

The Tribunal rescinds the decision to summarily dismiss the Applicant and Orders: the reinstatement of the Applicant; that the Applicant be paid her salaries and entitlements from the date of her summary dismissal to the date of this judgment with interest at 8%; that the Applicant be compensated for the breach of her right to due process at the rate of two months net base salary; that compensation be fixed, should the Secretary-General decide in the interest of the Administration not to perform the obligation to reinstate the Applicant, at two years' net base salary at the rate in effect on the date of the Applicant's separation from service, with interest payable at eight per cent per annum as from 90 days from the date of distribution of this Judgment until payment is effected; and, rejects all other pleas.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision of the Secretary-General to summarily dismiss the Applicant for serious misconduct. The decision was based on findings by the Office of Internal Oversight Services (OIOS) that the Applicant had solicited, received and accepted sums of money from a company engaged in business with the Organization.

Legal Principle(s)

N/A

Outcome

Judgment entered for Applicant in full or in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Cohen

Entity

MONUC

Case Number(s)

UNDT/NBI/2009/049

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

12 Jul 2010

Duty Judge

Judge Izuako

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Compensation

Disciplinary matters / misconduct

Due process

Standard of proof

Termination (of appointment)

Summary dismissal

Applicable Law

Administrative Instructions

- ST/AI/371

Other UN issuances (guidelines, policies etc.)

- OIOS Investigations Manual

Secretary-General's bulletins

- ST/SGB/273

UNDT Statute

- Article 1
- Article 2
- Article 3
- Article 7

Related Judgments and Orders

UNDT/2010/056

UNDT/2010/036