

UNDT/2010/173, Parkes

UNAT Held or UNDT Pronouncements

It was not disputed that the Applicant borrowed money from a Sales Manager working in a company doing business with MONUC. In the light of the applicable law and in particular the financial and procurement rules, the Tribunal found that misconduct had been properly established. Nonetheless, the Tribunal found a certain number of mitigating factors such as the fact that he repaid the loan in full and that it was a “one-off decision”. Therefore, the Tribunal took the view that the sanction was not proportionate.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to summarily dismiss him for serious misconduct based on findings that he had solicited, received and accepted sums of money from a vendor who did business with MONUC.

Legal Principle(s)

N/A

Outcome

Judgment entered for Applicant in full or in part

Outcome Extra Text

UNDT ordered rescission of the decision or, as an alternative, compensation equivalent to all the benefits the Applicant would have been entitled to if he had been terminated instead of being summarily dismissed.

Full judgment

[Full judgment](#)

Applicants/Appellants

Parkes

Entity

MONUC

Case Number(s)

UNDT/NBI/2009/50

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

28 Sep 2010

Duty Judge

Judge Boolell

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Disciplinary matters / misconduct

Disciplinary measure or sanction

Separation from service

Termination (of appointment)

Applicable Law

Administrative Instructions

- ST/AI/371

Financial Regulations and Rules

- Rule 5.12

Former Staff Rules

- Rule 10.2
- Rule 110.1

Other UN issuances (guidelines, policies etc.)

- UN Procurement Manual

Staff Regulations

- Regulation 1.2(b)
- Regulation 1.2(e)
- Regulation 1.2(f)
- Regulation 1.2(g)

UNDT Statute

- Article 10.5