

UNDT/2010/209, Oge

UNAT Held or UNDT Pronouncements

With regard to due process requirements, the Tribunal found that the Applicant had been afforded a hearing in regard to the charges alleged against him. Whilst the language used in the last paragraph of the USG's letter dated 8 November 2005 seemed to suggest that if the JDC made a request for the physical presence of the Applicant in Geneva such a request would be acceded to, the Tribunal was of the view that the JDC did not indicate in clear terms that the presence of the Applicant would be essential, the word used in Rule 29 and the USG's request did not violate the Applicant's rights to due process. Hearings are frequently conducted through the medium of technology, such as video-conferencing, for the timely expedition of cases and budget constraints. Further, the Applicant did not satisfy the Tribunal in what way a hearing whereby he would have been able to present his case through video-conference would have defeated his rights. The Tribunal was therefore of the view that the Applicant took a misguided risk by taking upon himself to travel to Geneva without getting a clear authorization from the Organization that his expenses and those of his counsel would be borne by the United Nations.

Decision Contested or Judgment/Order Appealed

The Applicant challenged before the court the decision of the Secretary-General refusing the funding of the Applicant and his counsel's travel expenses to attend the JDC hearing in Geneva. He submitted that he had a legitimate expectation based upon the exchange of correspondence between the USG and himself that the Organization would bear the travel and daily subsistence expenses upon request from the JDC.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Oge

Entity

MONUC

Case Number(s)

UNDT/NBI/2010/15/UNAT/1565

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

3 Dec 2010

Duty Judge

Judge Boolell

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Due process

Termination (of appointment)

Summary dismissal

Applicable Law

Staff Rules

- Rule 110.7(b)
- Rule 110.7(d)