

UNDT/2012/124, Akello

UNAT Held or UNDT Pronouncements

The Applicant was engaged in an unauthorized outside activity. The Applicant's unauthorized outside activity whilst providing her personal financial gain, did not result in an actual conflict of interest as defined by the applicable rule. The investigators had an obligation, in accordance with the universal principles of natural justice, to inform the Applicant of her right to the assistance of Counsel during investigations. The doctrine of proportionality is applicable in this case to reduce the Applicant's summary dismissal to a written censure in line with the Secretary- General's practice in disciplinary cases.

Decision Contested or Judgment/Order Appealed

On 17 May 2010, the Applicant was summarily dismissed on the basis of findings that she had committed misconduct by having engaged in an unauthorized outside activity. The Applicant is contesting the decision to summarily dismiss her.

Legal Principle(s)

N/A

Outcome

Judgment entered for Applicant in full or in part

Outcome Extra Text

UNDT rescinded the summary dismissal and ordered rescission or compensation in lieu (2 years' net base salary).

Full judgment

[Full judgment](#)

Applicants/Appellants

Akello

Entity

UNDP

Case Number(s)

UNDT/NBI/2012/065

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

13 Aug 2012

Duty Judge

Judge Izuako

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Compensation

In-lieu compensation

Separation from service

Termination (of appointment)

Applicable Law

Former Staff Regulations

- Regulation 1.2

Laws of other entities (rules, regulations etc.)

Other UN issuances (guidelines, policies etc.)

- UNDP Annual Report of the Administrator on Disciplinary Measures (...) Fraud, Corruption and Other Wrongdoing (2011)
- A/66/135

UNDT Statute

- Article 10.5(a)

Related Judgments and Orders

2010-UNAT-025

2010-UNAT-084