

UNDT/2012/138, Meyo

UNAT Held or UNDT Pronouncements

The fact that the attempt to defraud the medical claims system was not successful did not diminish the Applicant's liability in having made a false claim, as such; his actions destroyed the faith of the Organization in the Applicant which was necessary for continuing employment relationship. Proportionality: Although comparison between other similar cases can be referred to, they should be treated with caution as every case turns on its own facts. In determining whether to lessen the imposed sanction, the Tribunal will consider mitigating circumstance that had not been previously considered. Exercise of discretionary authority: In general the tribunal will not interfere with the exercise of discretionary authority unless illegality, irrationality or procedural impropriety is proven. Decision: The imposition of disciplinary was proportionate.

Decision Contested or Judgment/Order Appealed

The Applicant, a former employee of UNDP in Gabon submitted a false medical insurance claim seeking reimbursement with the Garantie Médicale et Chirurgicale to the tune of equivalent USD 2000. Upon conducting investigations, the Organization found the Applicant's actions wanting and imposed a disciplinary measure of separation from service.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Meyo

Entity

UNDP

Case Number(s)

UNDT/NBI/2011/039

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

17 Sep 2012

Duty Judge

Judge Shaw

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Disciplinary matters / misconduct
Fraud, misrepresentation and false certification
Separation from service

Applicable Law

Other UN issuances (guidelines, policies etc.)

- Medical Insurance Plan

Secretary-General's bulletins

- ST/SGB/2010/6

Staff Regulations

- Regulation 1.2

Staff Rules

- Rule 10.1
- Rule 10.2(a)(viii)

UNDT RoP

- Article 16.2

Related Judgments and Orders

UNDT/2010/171
2010-UNAT-022
2010-UNAT-024
2010-UNAT-084