

UNDT/2012/169, Kamara

UNAT Held or UNDT Pronouncements

The UNDT found that the Applicant had been grossly negligent in that a duty-conscious and vigilant Logistics Assistant in the Applicant's position ought to have reasonably foreseen that the documents in possession of Mr Weah were sufficient to enable him to misappropriate the containers. The sanction was fair and proportionate. The Application therefore failed. Negligence test: Three elements which must be established to prove gross negligence; namely, (1) a failure in the form of an act or omission to exercise the requisite standard of care; (2) the standard of care required is that which a reasonable person would have exercised; (3) the risk involved would be such as can be reasonably foreseeable.

Decision Contested or Judgment/Order Appealed

The Applicant appealed the decision to separate him from service following an investigation on a charge of misconduct by allegedly committing acts of gross negligence in giving a non-WFP staff member the authority and the means to collect WFP containers from the National Ports Authority (NPA) Park in Monrovia, Liberia. He was also charged for insubordination, in allegedly bringing the Liberian Seaport Police to a staff member's home contrary to his supervisor's advice and without having the authority to do so.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Kamara

Entity

WFP

Case Number(s)

UNDT/NBI/2010/070

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

7 Nov 2012

Duty Judge

Judge Izuako

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Disciplinary matters / misconduct

Disciplinary measure or sanction

Separation from service

Applicable Law

Staff Regulations

- Regulation 1.3(a)

Staff Rules

- Rule 10.2(a)(viii)