

UNDT/2013/043, Oummih

UNAT Held or UNDT Pronouncements

The Tribunal found that the Applicant had not suffered any material or moral prejudice. With regard to OSLA's refusal to provide her with legal assistance, the Tribunal found that the decision is not illegal since there was a conflict of interest . The Applicant is a staff member of OSLA and her application before the Tribunal concerns a written reprimand issued by her immediate supervisor, the Chief of OSLA.

Decision Contested or Judgment/Order Appealed

The Applicant, who is currently a staff member of the Office of Staff Legal Assistance ("OSLA"), challenged the decision to issue and to place a written reprimand in her Official Status File ("OSF") as well as the refusal by OSLA to provide her with legal assistance. The reprimand was later retracted and removed from the Applicant's OSF after approximately one month.

Legal Principle(s)

Reprimand: Material and/or moral prejudice for a reprimand that was later retracted can only be claimed, if it was illegal and had a damaging effect during the period it was placed in a staff member's OSF. Right to be provided with/obligation to provide legal assistance: OSLA possesses a large margin of discretion to decide whether it undertakes to represent a given client. A refusal to provide legal assistance has however to be sufficiently substantiated. Even if the motive of the decision to refuse legal assistance is flawed, the decision itself may be lawful, if another legal reason would have led to the same decision.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Oummih

Entity

OAJ

Case Number(s)

UNDT/GVA/2012/76

Tribunal

UNDT

Registry

Geneva

Date of Judgement

7 Mar 2013

Duty Judge

Judge Cousin

Language of Judgment

French

Issuance Type

Judgment

Categories/Subcategories

Compensation

Non-pecuniary (moral) damages

Pecuniary (material) damages

Disciplinary matters / misconduct

Non-disciplinary/administrative measures

Related Judgments and Orders

UNDT/2009/093

UNDT/2010/025

UNDT/2011/024

2012-UNAT-199