

# UNDT/2013/070, Stoykov

## UNAT Held or UNDT Pronouncements

Effect of the breach of due process rights: The Tribunal found that while the Applicant had been denied some of his due process rights at the investigation stage, this breach was cured by the subsequent court proceedings. Further, the Tribunal held that the sanction of summary dismissal was fully justified in view of: (i) the status of the Applicant in the procurement process of ECA; (ii) the fact that he contracted with United Nations vendors without disclosing that fact in clear terms; and (iii) the fact that he was engaged to some extent in the activities of two other companies without obtaining the appropriate authorisation from the Secretary General.

## Decision Contested or Judgment/Order Appealed

The Applicant filed a claim with the Tribunal contesting the decision of the Respondent to summarily dismiss him on the ground of misconduct. The Applicant alleged that there were procedural defects in that his due process rights had been violated during the investigation.

## Legal Principle(s)

N/A

## Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Stoykov

Entity

ECA

Case Number(s)

UNDT/NBI/2010/052

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

23 Apr 2013

Duty Judge

Judge Boolell

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Disciplinary matters / misconduct

Dismissal/separation

Due process

Investigation

Applicable Law

## Administrative Instructions

- ST/AI/371

## Financial Regulations and Rules

- Rule 5.12

## Other UN issuances (guidelines, policies etc.)

- UN Procurement Manual

## Secretary-General's bulletins

- ST/SGB/2004/15
- ST/SGB/273

## Staff Regulations

- Regulation 1.2(a)
- Regulation 1.2(e)
- Regulation 1.2(f)
- Regulation 1.2(g)
- Regulation 1.2(o)
- Regulation 1.2(q)

## Staff Rules

- Rule 11.2(a)
- Rule 11.2(c)

## Related Judgments and Orders

UNDT/2010/024

UNDT/2010/034

2010-UNAT-080

2010-UNAT-087

UNDT/2011/123

UNDT/2011/126

UNDT/2011/162

2011-UNAT-164

2012-UNAT-209