

UNDT/2013/086, Applicant

UNAT Held or UNDT Pronouncements

Disciplinary investigations: are not criminal in nature and the evidential standards that apply to criminal investigations do not apply. The decision maker cannot exclude the evidence obtained by an unlawful interview from consideration but the weight of the evidence obtained in unfair or unlawful circumstances should be treated with the utmost caution.

Decision Contested or Judgment/Order Appealed

The Applicant was formerly a Senior Finance Clerk in Khartoum, Sudan, on a fixed-term contract at the G-5 level with the United Nations High Commissioner for Refugees (UNHCR). She is contesting the High Commissioner's decision of 13 October 2011 to dismiss her for serious misconduct following an investigation by the Inspector General's Office (IGO) into allegations that she had submitted a fraudulent claim to the United Nations Medical Insurance Plan (MIP) Programme.

Outcome

Judgment entered for Applicant in full or in part

Outcome Extra Text

The Applicant was awarded the sum of USD2500.

Full judgment

[Full judgment](#)

Applicants/Appellants

Applicant

Entity

UNHCR

Case Number(s)

UNDT/NBI/2012/004

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

6 Jun 2013

Duty Judge

Judge Shaw

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Disciplinary matters / misconduct

Dismissal/separation

Fraud, misrepresentation and false certification

Termination (of appointment)

Summary dismissal

Applicable Law

Administrative Instructions

- ST/A1/371/Amend.1
- ST/AI/371

Former Staff Rules

- Rule 110.2

Other UN issuances (guidelines, policies etc.)

- UNHCR IOM/054/2005-FOM/054/2005 (Inter-Office Memorandum No. 054/2005 and Field Office Memorandum No. 054/2005)

Staff Rules

- Rule 10.4

Related Judgments and Orders

UNDT/2010/214

2012-UNAT-215