

UNDT/2013/149, Machanguana

UNAT Held or UNDT Pronouncements

The Tribunal finds, inter alia, that the Applicant's act of altering the number of hours he had worked without the authorization of his first reporting officer amounted to inexcusable alteration of official documents and material misrepresentation of facts. The principle of proportionality means that an administrative action should not be more excessive than is necessary for obtaining the desired result. The requirement of proportionality is satisfied if a course of action is reasonable, but not if the course of action is found to be excessive.

Decision Contested or Judgment/Order Appealed

On 20 June 2012, the Applicant filed an Application contesting the administrative decisions to demote him from GS-7 to GS-6 and to censure him vide a letter of censure placed in his Official Status File.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Outcome Extra Text

The Application is dismissed with costs.

Full judgment

[Full judgment](#)

Applicants/Appellants

Machanguana

Entity

UNICEF

Case Number(s)

UNDT/NBI/2012/38

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

29 Nov 2013

Duty Judge

Judge Izuako

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Abuse of process before UNDT/UNAT

Costs

Disciplinary matters / misconduct

Applicable Law
Staff Regulations

- Regulation 1.2(b)

UNICEF Executive Directives

- CF/EXD/2006-009

Related Judgments and Orders
UNDT/2012/169