

# UNDT/2014/022, Ivanov

## UNAT Held or UNDT Pronouncements

The Applicant requests the Tribunal to find that his due process rights were breached, that a copy of the report from the Investigation Panel be produced to him. There is no evidence that the Investigation Panel did not follow the applicable procedures or that his due process rights were not respected. It is within the Secretary-General's discretion as to whether or not initiate action against a staff member. The case is dismissed.

## Decision Contested or Judgment/Order Appealed

The Applicant contests the decision from the Under-Secretary-General, Department of Economic and Social Affairs not to take action in response to his complaint for harassment and abuse of authority, including the refusal to provide him a copy of the investigation report.

## Legal Principle(s)

In accordance with sec. 5.18(a) of ST/SGB/2008/5, if the investigation report concludes that no prohibited conduct was carried out by the alleged offender, the responsible official will close the case and inform the alleged offender and the aggrieved individual of the Investigation Panel's findings and conclusions in the form of a summary. In accordance with the facts, there were no exceptional circumstances that would justify the Applicant receiving anything other than a summary of the investigation panel's findings and conclusions and then closing the case. It is not for the Tribunal to order the Secretary-General to take the initiative of instituting disciplinary proceedings against a staff member.

## Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Ivanov

Entity

DESA

Case Number(s)

UNDT/NY/2011/039

Tribunal

UNDT

Registry

New York

Date of Judgement

26 Feb 2014

Duty Judge

Judge Greceanu

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Disciplinary matters / misconduct

Abuse of authority  
Harassment (non-sexual)  
Due process  
Investigation  
Applicable Law  
Secretary-General's bulletins

- ST/SGB/2008/5

Related Judgments and Orders  
UNDT/2010/174  
UNDT/2010/205