

UNDT/2014/052, Jaffa

UNAT Held or UNDT Pronouncements

Duty to report receipt of overpayments - The Applicant failed in his duty to make the Organization aware of overpayments made to him, as provided for in section 2.4 of ST/AI/2009/1. The wordings of ST/AI/2009/1 create a duty for staff members not only to report the receipt of overpayments but also to take steps to ensure their recovery. In other words, it necessarily prohibits the unauthorised prevention of said recovery.

Proportionality of disciplinary sanctions - Taking into account all the mitigating factors, the sanction of termination imposed by the Respondent was not proportionate to the misconduct proved against the Applicant.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to impose on him the disciplinary measure of separation from service.

Legal Principle(s)

N/A

Outcome

Judgment entered for Applicant in full or in part

Outcome Extra Text

The Tribunal struck out the sanction of termination imposed on the Applicant and substituted it with the sanction of demotion with deferment for a specific period of eligibility for consideration for promotion. Should the Secretary-General decide not to perform the obligation to reinstate the Applicant with a demotion as ordered, he must in the alternative pay compensation to the Applicant in the sum of two years' net base salary at the rate of FS4 salary in effect at the date of Judgment.

Full judgment

[Full judgment](#)

Applicants/Appellants

Jaffa

Entity

UNMISS

Case Number(s)

UNDT/NBI/2013/7

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

19 May 2014

Duty Judge

Judge Izuako

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Disciplinary matters / misconduct

Disciplinary measure or sanction

Applicable Law

Administrative Instructions

- ST/AI/2009/1

Staff Regulations

- Regulation 1.2(b)
- Regulation 1.2(g)

Related Judgments and Orders

UNDT/2011/061

2010-UNAT-084