

UNDT/2014/059, Ogorondikov

UNAT Held or UNDT Pronouncements

Upon review, the Tribunal concluded that the Applicant did not commit the misconduct of providing false information in his annual leave report. The Respondent correctly established the facts for the remaining charges of the misconduct. However, the Respondent did not fully take into account all the mitigating circumstances when determining the appropriate disciplinary sanction. The Tribunal found the disciplinary measure disproportionate to the misconduct and modified it. The contested decision is rescinded. The disciplinary measure of separation from service with compensation in lieu of notice and with termination indemnities is superseded by a written censure plus a fine of one month's net base salary. The Respondent is also ordered to pay the Applicant compensation for loss of earnings starting from 2 February 2011 until the date of expiration of the Applicant's contract (with MINUSTAH, until 2 January 2012), minus the fine of one month's net base salary and the amount of termination indemnity already paid to the Applicant. In the event that the Respondent decides not to reinstate the Applicant, he is ordered to compensate him in the amount of USD5,000 plus the compensation for loss of one year's net base salary and entitlements.

Decision Contested or Judgment/Order Appealed

The Applicant seeks the rescission of the decision to separate him from service, with compensation in lieu of notice and with termination indemnities. The Applicant does not contest the facts but the proportionality of the disciplinary measure imposed on him.

Legal Principle(s)

N/A

Outcome

Judgment entered for Applicant in full or in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Ogorondikov

Entity

MINUSTAH

Case Number(s)

UNDT/NY/2011/032

UNDT/NY/2014/59

Tribunal

UNDT

Registry

New York

Date of Judgement

2 Nov 2015

Duty Judge

Judge Greceanu

Judge Meeran

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Compensation

Disciplinary matters / misconduct

Disciplinary measure or sanction

Separation from service

Applicable Law

Former Staff Rules

- Rule 101.2(g)
- Rule 110.3

Staff Regulations

- Regulation 1.2(b)
- Regulation 9.3

Related Judgments and Orders

UNDT/2010/169

UNDT/2010/171

UNDT/2011/012

UNDT/2011/046

UNDT/2011/068

UNDT/2011/086

UNDT/2012/138

UNDT/2013/102

2010-UNAT-084

2010-UNAT-022

2011-UNAT-131

2013-UNAT-309