

UNDT/2015/073, Gallo

UNAT Held or UNDT Pronouncements

The Tribunal found that the application was not receivable *rationae materiae* and rejected it.

Decision Contested or Judgment/Order Appealed

The Applicant, a former Investigator at the P-4 level with OIOS, contested the decision of the Under-Secretary-General of OIOS to establish a fact-finding panel to investigate a complaint of prohibited conduct against him under ST/SGB/2008/5.

Legal Principle(s)

Receivability of a decision to appoint a fact-finding panel. A decision to initiate an investigation by appointing a fact-finding panel is not a final, and appealable, administrative decision but the first step in the investigative process under ST/SGB/2008/5. Doctrine of *stare decisis*. Findings of the Appeals Tribunal are binding for the Dispute Tribunal and applicable in similar cases.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Gallo

Entity

OIOS

Case Number(s)

UNDT/NY/2014/17

Tribunal

UNDT

Registry

New York

Date of Judgement

12 Aug 2015

Duty Judge

Judge Greceanu

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Disciplinary matters / misconduct

Investigation

Fact-finding investigation

Jurisdiction / receivability (UNDT or first instance)

Subject matter (ratione materiae)

Applicable Law

Secretary-General's bulletins

- ST/SGB/2008/5

Staff Rules

- Rule 11.4(a)

UNDT Statute

UNAT Statute

- Article 2.1(a)

Related Judgments and Orders

UNDT/2013/176

2015-UNAT-509

2014-UNAT-410

2015-UNAT-503