

UNDT/2015/107, Adundo

UNAT Held or UNDT Pronouncements

The Tribunal held that the decisions to issue a Notice of Counsel and to require the Applicant to undergo remedial training did not affect his legal rights. The decision to place the Applicant on weapons restriction was procedurally flawed because, contrary to the Department of Safety and Security Manual of Instruction on Use of Force Equipment Including Firearms (“DSS Weapons MOI”), the Chief of the SSS did not state the expected duration of the measure. The Tribunal rescinded the decision to place the Applicant on weapons restriction without indicating the expected duration and ordered the Respondent to pay the Applicant compensation of USD5,000.

Decision Contested or Judgment/Order Appealed

The Applicant, a Security Officer in the Safety and Security Service (SSS), Department of Safety and Security, contested the decisions to issue him a Notice of Counsel for dereliction of duty, and to place on him weapons restriction and under supervision after he refused to attend remedial training.

Legal Principle(s)

N/A

Outcome

Judgment entered for Applicant in full or in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Adundo

Entity

DSS

Case Number(s)

UNDT/NY/2014/62

Tribunal

UNDT

Registry

New York

Date of Judgement

6 Nov 2015

Duty Judge

Judge Meeran

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Performance management

Rebuttal

Applicable Law

Administrative Instructions

- ST/AI/2010/5
- ST/AI/371
- ST/AI/371/Amend.1

Secretary-General's bulletins

- ST/SGB/2008/5

UNDT Statute

UNAT Statute

- Article 2.1(a)

Related Judgments and Orders

2010-UNAT-058

2010-UNAT-095

2010-UNAT-044

2015-UNAT-528

2013-UNAT-309