

UNDT/2016/124, Wilson

UNAT Held or UNDT Pronouncements

Appeals against Ethics Office: The United Nations Appeals Tribunal has consistently held that the role of the Ethics Office under ST/SGB/2005/21 is limited to making recommendations to the Administration and that such recommendations do not in themselves affect terms of appointment of staff members. the review made by the Ethics Office is not a substitute to the internal system of justice, which includes the Dispute Tribunal. Therefore, filing of a complaint with the Ethics Office does not replace the requirements of the Tribunal's Statute, its Rules of Procedures, and the Staff Rules. Any administrative decisions subject to the review of the Ethics Office always precede the review and recommendations/advice of the Ethics Office and are directly appealable within the relevant jurisdictional requirements. A complaint to the Ethics Office, if any, can be submitted either before or after an appeal before the UNDT, if any, regarding the same decision which is subject to the Ethics Office review, but it cannot, in and of itself, waive and/or suspend the time limits for appeal. The UNDT found that the Ethics Office's finding that no retaliation had occurred and its advice do not constitute a reviewable administrative decision. The UNDT found that the application was not receivable *ratione materiae* and that the case was therefore not receivable.

Decision Contested or Judgment/Order Appealed

The Applicant, as senior staff member of the Office of Internal Oversight Services ("OIOS"), filed an application contesting the decision of the Ethics Office to deny him protection from alleged retaliation.

Legal Principle(s)

N/A Appeals against Ethics Office: The United Nations Appeals Tribunal has consistently held that the role of the Ethics Office under ST/SGB/2005/21 is limited to making recommendations to the Administration and that such recommendations do not in themselves affect terms of appointment of staff members. the review made by the Ethics Office is not a substitute to the internal system of justice, which includes the Dispute Tribunal. Therefore, filing of a complaint with the Ethics Office does not replace the requirements of the Tribunal's Statute, its Rules of Procedures, and the Staff Rules. Any administrative decisions subject to the review of the Ethics Office always precede the review and recommendations/advice of the Ethics Office and are directly appealable within the relevant jurisdictional requirements. A complaint to the Ethics Office, if any, can be submitted either before or after an appeal before the UNDT, if any, regarding the same decision which is subject to the Ethics Office review, but it cannot, in and of itself, waive and/or suspend the time limits for appeal.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Wilson

Entity

OIOS

Case Number(s)

UNDT/NY/2015/53

Tribunal

UNDT

Registry

New York

Date of Judgement

15 Sep 2016

Duty Judge

Judge Greceanu

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Ethics office

Retaliation

Jurisdiction / receivability (UNDT or first instance)

Subject matter (ratione materiae)

Applicable Law

Secretary-General's bulletins

- ST/SGB/2005/21
- ST/SGB/2005/22

UNDT Statute

- Article 2.1