

# UNDT/2017/095/Corr.1, Harris

## UNAT Held or UNDT Pronouncements

The Tribunal found that the decision to separate the Applicant for abandonment of post was not unlawful because: the Applicant was absent from duty he did not provide a duly authorized medical certificate or other justification for failure to report to work the Administration followed the prescribed procedures and acted in accordance with the internal laws of the Organization and the Applicant failed to meet his burden of proving the impropriety that he alleged.

## Decision Contested or Judgment/Order Appealed

Separation from service on the ground of abandonment of post.

## Legal Principle(s)

The absence of a staff member from his or her work, unless properly authorized as leave, special leave, sick leave or maternity leave under the staff rules may create a reasonable presumption of intent to separate from service unless the staff member is able to give satisfactory proof that such absence was involuntary and was caused by forces beyond his or her control. If the staff member fails to produce such certification or if the certification produced is not acceptable to the Medical Director and sick leave is not certified, the staff member shall be advised that sick leave has been refused and that the he/she must report for duty immediately or be separated for abandonment of post.

## Outcome

Dismissed on merits

Outcome Extra Text

The application was dismissed.

## Full judgment

[Full judgment](#)

Applicants/Appellants

Harris

Entity

UNIFIL

Case Number(s)

UNDT/NBI/2017/093

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

15 Dec 2017

Duty Judge

Judge Meeran

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Separation from service

Applicable Law

Administrative Instructions

- ST/AI/400

Staff Rules

- Rule 5.1(e)(ii)
- Rule 6.2(f)

Related Judgments and Orders

2019-UNAT-897