

UNDT/2018/087, Yasin

UNAT Held or UNDT Pronouncements

The Applicant's actions were reasonable and in accordance with her obligation to carefully verify the cost of administrative services, procurement and logistical support, since all the costs were supported by UNAMI, in order to ensure that all the provisions of the OIOS Audit Manual were respected. There was no concrete negative result on the planned audit resulting from the annulment of the first MOP and that the Applicant's actions, which she was taking in her capacity as CMS in UNAMI, consisting in a careful review of the alternative means to a face-to-face visit which could have resulted in a lower level of the costs, appear to have been conducted within the margins of her role and responsibilities. There is no convincing evidence that the Applicant exceeded her competence and that she acted without a reason with the sole objective to delay the audit visit.

Decision Contested or Judgment/Order Appealed

The decision to place a letter of reprimand on the Applicant's official status file following a disciplinary investigation.

Legal Principle(s)

The Secretary-General, as the Chief Administrator, or the official with the delegated authority, has the discretionary authority to launch an investigation into allegations of misconduct, to institute a disciplinary process when the findings of an investigation indicate that misconduct may have occurred, and to impose disciplinary or an administrative (non-disciplinary) measure against a staff member, who failed to comply with his or her obligations under the Charter of the United Nations, the Staff Regulations and Staff Rules or other relevant administrative issuance, or to observe the standards of conduct expected of an international civil servant. Both disciplinary and non-disciplinary measures (including oral and written reprimands) have the scope of either sanctioning or imposing an administrative measure on a staff member for his or her failure to comply with his or her obligations under the employment contract with the Organization or to observe the standards of conduct required of an international civil servant. The CMS is the most senior official within the mission who is authorized to expend the United Nations funds associated with the mission's allocated budget, and his or her work is generally supported by the Chief of Administrative Services and the Chief Integrated Support Services. Disagreement on work performance or on other work-related issues is normally not considered harassment and is not dealt with under the provisions of this policy but in the context of performance management.

Outcome

Judgment entered for Applicant in full or in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Yasin

Entity

DFS

Case Number(s)

UNDT/NY/2017/021

Tribunal

UNDT

Registry

New York

Date of Judgement

4 Sep 2018

Duty Judge

Judge Greceanu

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Disciplinary matters / misconduct

Non-disciplinary/administrative measures

Remedies

Rescission

Applicable Law

Administrative Instructions

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

Staff Regulations

- Regulation 1.2

Staff Rules

- Rule 10.1
- Rule 10.2
- Rule 10.3

UNDT RoP

- Article 35
- Article 7

UNDT Statute

- Article 2.8