

# UNDT/2019/010, Jenbere

## UNAT Held or UNDT Pronouncements

UNDT found that on the date of the issuance of the disciplinary measure, as well as on the date when it was received by the Applicant, she remained subject to the Staff Regulations and Rules, which allow for the imposition of disciplinary measures. UNDT held that the facts of the case demonstrate that the Applicant's actions were undertaken in a conflict of interest in violation of staff regulation 1.2(m). The actions also demonstrate lack of integrity in violation of staff regulation 1.2(b), which requires staff members to "[...] uphold the highest standards of efficiency, competence and integrity." UNDT held that the Applicant's failure to withdraw from the interview panel was in and of itself a breach of law. UNDT ruled that none of the arguments put forward by the Applicant by way of exonerating circumstances had merit. UNDT found that the disciplinary measure was proportionate.

## Decision Contested or Judgment/Order Appealed

The Applicant is contesting the USG for Management's decision to impose on her the disciplinary sanction of a demotion of one grade with a deferment for two years of eligibility for consideration for promotion, together with a fine of three months' net base salary in accordance with staff rules 10.2(a)(v) and (vii) for misconduct consisting of failing to disclose her marital relationship with a candidate for a United Nations Volunteer (UNV) post during a recruitment exercise where she sat on an interview panel and made recommendations to the hiring manager with respect to the technical proficiency of the candidates.

## Legal Principle(s)

A decision imposing a disciplinary measure must be based on established facts legally amounting to misconduct. A disciplinary measure must be proportionate to the offence.

## Outcome

Dismissed on merits

## Outcome Extra Text

Exonerating circumstances.

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Jenbere

## Entity

UNOCI

## Case Number(s)

UNDT/NBI/2016/055

## Tribunal

UNDT

## Registry

Nairobi

## Date of Judgement

25 Jan 2019

## Duty Judge

Judge Milart

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Disciplinary matters / misconduct

Facts (establishment of) / evidence

## Applicable Law

Staff Regulations

- Regulation 1.2(b)

Staff Rules

- Rule 10.2(a)(v)
- Rule 10.2(a)(vii)