

UNDT/2020/026, De Rijk

UNAT Held or UNDT Pronouncements

In the preliminary assessment of the complaint, the responsible official correctly reviewed not only the Applicant's allegations but also the evidence he provided. The responsible official reasonably (a) found no grounds to believe that the subject of the complaint had engaged in unsatisfactory conduct, and (b) concluded that the evidence did not reveal a pattern of harassment. No evidence showed that the authority to review the complaint had been unlawfully delegated or any other procedural irregularity. While the responsible official could have better spelled out the managerial measures imposed as a result of the complaint, the failure to do so had no bearing on the lawfulness of the decision not to initiate an investigation.

Decision Contested or Judgment/Order Appealed

The decision not to initiate an investigation into allegations of harassment and abuse of authority.

Legal Principle(s)

The Administration has a degree of discretion in reviewing complaints of unsatisfactory conduct. A staff member only has a right to an investigation against another staff member in cases of serious and reasonable accusations. The Dispute Tribunal's scope of review of the Administration's exercise of discretion is limited to determining whether such exercise was legal, rational, reasonable and procedurally correct and devoid of undue motives.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

De Rijk

Entity

ICTY

Case Number(s)

UNDT/NY/2018/072

Tribunal

UNDT

Registry

New York

Date of Judgement

20 Feb 2020

Duty Judge

Judge Adda

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Discrimination and other improper motives

Applicable Law

Secretary-General's bulletins

- ST/SGB/2008/5