

UNDT/2020/055, Da Silva

UNAT Held or UNDT Pronouncements

The application was dismissed. The Tribunal held that the Applicant's actions were consistent with a concluded intent not to return to her duty station, no matter the lack of basis. Therefore, the Respondent's decision to separate her on the ground of abandonment of post was lawful.

Decision Contested or Judgment/Order Appealed

The Applicant contested MONUSCO's decision to separate her on the ground of abandonment of post.

Legal Principle(s)

The absence of a staff member from his or her work, unless properly authorized, may create a reasonable presumption of intent to separate from the Organization, 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.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Da Silva

Entity

MONUSCO

Case Number(s)

UNDT/NBI/2018/105

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

15 Apr 2020

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Separation from service

Applicable Law

Administrative Instructions

- ST/AI/2005/3
- ST/AI/400

Staff Rules

- Rule 6.2