

# UNDT/2021/002, Lekoetje

## UNAT Held or UNDT Pronouncements

The Tribunal finds that the facts on which the disciplinary measure was based have not been established. The decision is rescinded in accordance with art. 10(5)(a) of this Tribunal's Statute. The Respondent may opt to pay compensation in lieu of rescission comprising her salary from the date of termination to the date when the Applicant would have retired from service. The Applicant has proved that she suffered moral damages and is awarded of two years' net base salary as damages for moral harm. The Applicant has also proved that she was over deducted by USD20, 987.91 causing her financial loss.

## Decision Contested or Judgment/Order Appealed

The Applicant contests the United Nations Development Programme (UNDP) Administrator's decision to separate her from service with compensation in lieu of notice for serious misconduct.

## Outcome

Judgment entered for Applicant in full or in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Lekoetje

Entity

UNDP

Case Number(s)

UNDT/NBI/2019/021

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

13 Jan 2021

Duty Judge

Judge Sikwese

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Disciplinary matters / misconduct

Theft and misappropriation

Separation from service

Applicable Law

Staff Rules

- Rule 10.2(a)
- Rule 10.2(a)(viii)

## UNDT Statute

- Article 10.5(a)