

# UNDT/2021/004, Branglidor

## UNAT Held or UNDT Pronouncements

The Tribunal dismissed the application for the following reasons: the facts had been established to the requisite standard of clear and convincing evidence because the Applicant failed to provide any evidence to contradict the Respondent's fundamental findings on the objective and subjective elements of the impugned conduct; the established facts qualified as misconduct because the Applicant failed to act with the diligence required of staff applying for education grant entitlements pursuant to ST/AI/2011/4; the sanction was not disproportionate because it was not the most severe sanction for that type of misconduct and was consistent with the established practice in similar matters; and the alleged violations of due process were not substantiated by the Applicant.

## Decision Contested or Judgment/Order Appealed

Disciplinary measure of separation from service with compensation in lieu of notice and without termination indemnity in accordance with staff rule 10.2(a)(viii).

## Legal Principle(s)

Witness statements may be relied on in the absence of the witnesses' oral evidence before the Tribunal where the evidence in the statements are confirmed by other documents/evidence and are: exhaustive, voluntary, credible, coherent and do not disclose any tendency to unduly incriminate the Applicant.

## Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Branglidor

Entity

MINUSMA

Case Number(s)

UNDT/NBI/2019/057

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

2 Feb 2021

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Disciplinary matters / misconduct

Fraud, misrepresentation and false certification

Applicable Law

## Administrative Instructions

- ST/AI/2011/4