

UNDT/2021/064, Diallo

UNAT Held or UNDT Pronouncements

The Tribunal concluded that the Respondent had substantiated with clear and convincing evidence the factual basis of the contested decision. The mere fact that the Applicant had knowingly submitted unauthentic invoices and receipts to Cigna, that action constituted a violation of staff regulation 1.2(b) and amounted to misconduct. The sanction letter dated 8 March 2019 demonstrated that the Administration had undertaken a proper consideration of the nature of the Applicant's actions as well as the mitigating and aggravating factors of the case. Accordingly, the disciplinary measure of dismissal was proportionate to the offence committed.

Decision Contested or Judgment/Order Appealed

The Applicant contested the disciplinary measure of dismissal imposed on her.

Legal Principle(s)

Pursuant to the jurisprudence, the role of the UNDT in disciplinary cases is to perform a judicial review of the case and assess the following elements: i. Whether the facts were established by clear and convincing evidence; ii. Whether facts amount to misconduct; iii. Whether the sanction is proportionate to the gravity of the offence; and iv. If the staff member's due process rights were guaranteed during the entire proceeding.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Diallo

Entity

UNDP

Case Number(s)

UNDT/NBI/2019/055

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

7 Jun 2021

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Disciplinary matters / misconduct

Fraud, misrepresentation and false certification

Applicable Law

Staff Regulations

- Regulation 1.2(b)

Staff Rules

- Rule 10.1(a)