

2010-UNAT-018, Mahdi

UNAT Held or UNDT Pronouncements

On appeal, the Appellant asserted that the Commissioner-General erred in not following the JAB's recommendation. UNAT held that the JAB did not assess the totality of the evidence when making its recommendation. UNAT specifically held that the JAB's recommendation that no clear policy or instruction prevented the Appellant from giving the individual the authorization to use the DSA Facility did not take into account that there was a clear policy to inform his supervisors, which the Appellant failed to do. UNAT accordingly dismissed the appeal.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to summarily dismiss him. The Commissioner-General of UNRWA rejected the Joint Appeals Board (JAB) recommendation and upheld the dismissal. The Commissioner-General held that the Applicant's conduct amounted to willful and serious misuse of the UNRWA's assets, rendering him liable to disciplinary measures, including summary dismissal.

Legal Principle(s)

A staff member's clear violation of the Organisation's policies may constitute misconduct warranting summary dismissal.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Mahdi

Entity

UNRWA

Case Number(s)

2010-023

Tribunal

UNAT

Registry

New York

Date of Judgement

30 Mar 2010

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Disciplinary matters / misconduct

Dismissal/separation

Misuse of information and communication technology resources

Misuse of or failure to exercise reasonable care in relation to UN property or assets

Termination (of appointment)

Summary dismissal