

2010-UNAT-080, Streb

UNAT Held or UNDT Pronouncements

UNAT held that UNDT adequately applied the appropriate principles set out in the former UN Administrative Tribunal judgment No. 1391 (2008) in considering whether or not a case of serious misconduct had been established and if so, whether the sanction of summary dismissal was appropriate. UNAT held that the fact that the Appellant accepted lavish hospitality was a clear violation of the Procurement Division's Guidelines on Acceptance of Gifts and Hospitality by the Procurement Division Staff. Although the misconduct was based on a single incident, UNAT agreed with UNDT that it would have been inappropriate for the Secretary-General to have taken the view that as long as there was no evidence of the Appellant's impartiality actually being compromised, he had not committed misconduct or serious misconduct. UNAT held that the Appellant was unable to satisfy it of the existence of any mitigating factors. UNAT held that the sanction of summary dismissal was proportionate to the offence. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to summarily dismiss him for serious misconduct in the form of accepting lavish hospitality from a vendor's representative. UNDT found against the Applicant.

Legal Principle(s)

Left deliberately blank.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Streb

Entity

UN Secretariat

Case Number(s)

2010-078

Tribunal

UNAT

Registry

New York

Date of Judgement

29 Oct 2010

President Judge

Judge Adinyira

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Disciplinary matters / misconduct

Dismissal/separation

Procurement irregularities

Separation from service

Termination of appointment (see also, Termination of appointment)

Termination (of appointment)

Summary dismissal

Applicable Law

Other UN issuances (guidelines, policies etc.)

- Guidelines on Acceptance of Gifts and Hospitality by the Procurement Division Staff (rev.1) (18 January 2001)

UNDT RoP

- Article 17.3

Related Judgments and Orders

UNDT/2010/034

2010-UNAT-028