

2010-UNAT-089, Cabrera

UNAT Held or UNDT Pronouncements

UNAT held, in agreement with UNDT, that: the Appellant was properly subjected to a disciplinary hearing; the disciplinary procedures operated fairly; the Appellant disclosed his part in the events at a time when he had no option but to do so; the Appellant did not report the fact he received the hospitality from a vendor; the Appellant substantially admitted the allegations; the Appellant put at risk the reputation and standing of the UN Procurement Division; there was sufficient material before the Secretary-General, after a fair and impartial investigation, and having regard to the Appellant's long service record, to reach a finding of serious misconduct; and the Appellant was given a full opportunity to make his case before a decision was taken as to the appropriate sanction. UNAT held that the conduct was established and serious and that the sanction was not unfair or disproportionate. UNAT noted that UNDT refused to substitute its judgment in this case and that UNAT must be deferential not only to the Secretary-General but also to UNDT, which is charged with finding facts. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

UNDT judgment: The Applicant contested his summary dismissal related to a single incident of lavish hospitality, including drinking, lap dances and prostitutes, paid for by a UN vendor. UNDT dismissed the application, finding that the summary dismissal was justified and proportionate.

Legal Principle(s)

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Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Cabrera

Entity

ECLAC

Case Number(s)

2010-089

Tribunal

UNAT

Registry

New York

Date of Judgement

29 Oct 2010

President Judge

Judge Painter

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Disciplinary matters / misconduct

Dismissal/separation

Inappropriate or disruptive behaviour

Procurement irregularities

Separation from service

Termination of appointment (see also, Termination of appointment)

Termination (of appointment)

Summary dismissal

Related Judgments and Orders

UNDT/2010/034

2010-UNAT-028

2010-UNAT-084