

2015-UNAT-498, Nagayoshi

UNAT Held or UNDT Pronouncements

UNAT held that the JAB did not err in limiting the scope of the Appellant's application to the written reprimand, as the various other allegations raised were not the subject of a request for administrative review, and were therefore not receivable, and UNAT dismissed those grounds of appeal. UNAT held that the Appellant failed to establish any errors of fact that resulted in a manifestly unreasonable decision on the part of the JAB and dismissed that ground of appeal. UNAT held that the Appellant's submission that the JAB may have been unduly influenced by the presence of the Registrar's legal advisor on the panel had no merit and dismissed this ground of appeal. Noting that the Registrar had followed the JAB's recommendation to inform the Chairmen of the two committees that the administrative decision pertaining to the reprimand had been erroneously copied to them and asking them to remove it from their official files, UNAT held that the circulation of the letter of reprimand did not warrant an award of damages. UNAT held that there was no error on questions of law and fact that resulted in a manifestly unreasonable decision. UNAT dismissed the appeal and affirmed the decision of the Registrar of ITLOS to accept the recommendation of the JAB.

Decision Contested or Judgment/Order Appealed

ITLOS decision: The Applicant contested the decision to issue her with a written reprimand for her failure to seek the prior permission of the Registrar before circulating a memorandum to the Judges of the Tribunal and for her failure to comply with the procedure applicable to an ongoing investigation within the Registry. The Registrar accepted the recommendation of the ITLOS Joint Appeals Board (JAB) and maintained the decision to issue the written reprimand.

Legal Principle(s)

The purpose of management evaluation is to afford the Administration the opportunity to correct any error in an administrative decision so that judicial review is not necessary; for this goal to be met, it is essential to clearly identify the administrative decision the staff member disputes.

Outcome

Appeal dismissed on merits

Outcome Extra Text

No relief ordered; No relief ordered.

Full judgment

[Full judgment](#)

Applicants/Appellants

Nagayoshi

Entity

ITLOS

Case Number(s)

2014-567

Tribunal

UNAT

Registry

New York

Date of Judgement

26 Feb 2015

President Judge

Judge Adinyira

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Disciplinary matters / misconduct

Non-disciplinary/administrative measures

Applicable Law

ITLOS Staff Regulations and Rules

- Annex V
- Rule 11.2(a)(i)
- Rule 11.2(b)(i)

UNDT Statute

- Article 8.1(c)

Related Judgments and Orders

2013-UNAT-381

2013-UNAT-311