

2015-UNAT-572, Ivanov

UNAT Held or UNDT Pronouncements

UNAT held that the Appellant, though entitled to receive a summary of the findings of the investigation report, was not entitled to receive a copy of the full investigation report without showing exceptional circumstances, which he did not do and UNAT, therefore, upheld the findings of UNDT on this point. On compensation, UNAT noted that the Appellant presented no evidence to prove that the violation of the three-month deadline undermined the investigation and the outcome of the complaint, or that he suffered actual prejudice. UNAT held that the Administration's offer of USD 1,000 was reasonable. UNAT quashed the UNDT's order and award of USD 2,300 to the Appellant and affirmed the payment of USD 1,000 for the delay. UNAT held that it had considered all of the other grounds of appeal proffered by the Appellant and found that they were without merit. UNAT dismissed the appeal and upheld the UNDT judgment, except for its order of additional compensation, which was vacated.

Decision Contested or Judgment/Order Appealed

UNDT judgment: The Applicant contested the decision to take no further action in respect of his defamation and harassment complaint. UNDT granted the application in part and awarded USD 2,300 as compensation for the delay.

Legal Principle(s)

The role of UNDT is not to rehear evidence that was before an investigation panel in order to determine if the decision is correct or not; the role of UNDT is to ensure that the process adopted by the investigation panel is transparent and that there is procedural fairness by adherence to the legal framework. Not every administrative wrongdoing will necessarily lead to an award of compensation; the claimant carries the burden of proof about the existence of factors causing damage to the victim's psychological, emotional, and spiritual wellbeing.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Ivanov

Entity

DESA

Case Number(s)

2014-664

Tribunal

UNAT

Registry

New York

Date of Judgement

30 Oct 2015

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Compensation
Evidence of harm
Disciplinary matters / misconduct
Harassment (non-sexual)
Investigation
Due process

Applicable Law

Secretary-General's bulletins

- ST/SGB/2008/5

UNDT Statute

- Article 10.5(b)

Related Judgments and Orders

UNDT/2014/117
2012-UNAT-238
2010-UNAT-042
2013-UNAT-309
2014-UNAT-483
2015-UNAT-519