

2016-UNAT-702, Siciliano

UNAT Held or UNDT Pronouncements

UNAT rejected the request for an oral hearing, finding it would not assist in the expeditious and fair disposal of the case. UNAT denied the motion seeking leave to file additional pleadings/evidence, finding there were no exceptional circumstances that would warrant the granting of the motion. UNAT held that the appeal on the suspension without pay was not receivable since the Appellant had failed to observe the time limits. Regarding the receivability of the letter requesting reconsideration of the summary dismissal, UNAT held that it would not admit evidence that had been known to the Appellant at the time of the initial trial and could have, with due diligence, been presented to AJAB and ICAO. UNAT held that the acts of misconduct the Appellant admittedly committed, the acceptance of payments from representatives of a Ukrainian business consortium (EDAPS) while being in the employ of ICAO, were indeed very egregious and serious. UNAT held that this type of misconduct is tantamount to a fundamental breach of trust and confidence which goes to the very root of the employment contract and upheld, therefore, the Secretary-General's exercise of her discretion in imposing the sanction of summary dismissal. UNAT dismissed the appeal was dismissed and affirmed the decision of the ICAO Secretary-General.

Decision Contested or Judgment/Order Appealed

ICAO decision: The Applicant presented an appeal to ICAO's Advisory Joint Appeals Board (AJAB) advancing several claims in connection with, inter alia, the initial decision to suspend him without pay, the decision to summarily dismiss him, and the refusal to invoke his immunity. AJAB recommended that the appeal should be rejected in its entirety. The ICAO Secretary-General issued a decision accepting the AJAB's recommendation and rejecting the appeal.

Legal Principle(s)

In accordance with the procedures set out in the Staff Rules, the ICAO Secretary-General may impose disciplinary measures on any staff member engaged in misconduct. He may summarily dismiss a staff member for serious misconduct.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Siciliano

Entity

ICAO

Case Number(s)

2016-933

Tribunal

UNAT

Registry

New York

Date of Judgement

28 Oct 2016

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Disciplinary matters / misconduct

Jurisdiction / receivability (UNAT)

Appeal

Procedure (first instance and UNAT)

Confidentiality

Production of documents

Applicable Law

UNAT RoP

- Article 18.1

UNAT Statute

- Article 2.5
- Article 8.3

Related Judgments and Orders

2015-UNAT-549