

# UNDT/2022/015, Egian

## UNAT Held or UNDT Pronouncements

The Tribunal found that there was a preponderance of the evidence that the Applicant created a hostile work environment and that she unlawfully interfered with recruitment process for P-2 TJO. The Applicant failed to uphold a conduct befitting her status as senior international civil servant. The Applicant's actions, as established by the facts, were abuse of the Applicant's authority as Director at the D-2 level and constitute misconduct under the above-mentioned legal framework. The Tribunal found that there was insufficient evidence to support the Administration's finding that the Applicant harassed YB. It is without doubt that they had between them an unpleasant and dysfunctional work relationship and that the work-related disagreements between the Applicant and YB were not skillfully responded to in the manner one would expect of two senior staff members at the Director level. However, the disagreements and disharmony between them did not constitute harassment of YB under ST/SGB/2008/5. The continued dysfunctional dynamic between the two Directors pointed instead to a failure of the leadership in SCAD/DPPA. Nevertheless, the creation of a hostile work environment and abuse of authority suffice to qualify the Applicant's behavior as misconduct.

## Decision Contested or Judgment/Order Appealed

The Applicant appealed the decision to impose on her the disciplinary measures of written censure and loss of two steps in grade for misconduct.

## Legal Principle(s)

### Outcome

Dismissed on merits

Outcome Extra Text

### Full judgment

[Full judgment](#)

Applicants/Appellants

Egian

Entity

DPPA

Case Number(s)

UNDT/NY/2021/4

Tribunal

UNDT

Registry

New York

Date of Judgement

17 Feb 2022

Duty Judge

Judge Adda

Language of Judgment

English

Issuance Type

## Judgment

### Categories/Subcategories

#### Disciplinary matters / misconduct

#### Applicable Law

#### Administrative Instructions

- ST/AI/2010/4
- ST/AI/371

#### Secretary-General's bulletins

- ST/SGB/2008/5

#### Staff Regulations

- Regulation 4.4

#### Staff Rules

- Rule 1.2(a)
- Rule 1.2(f)
- Rule 10.2(a)(i)
- Rule 10.2(a)(ii)
- Rule 10.3(b)

#### Related Judgments and Orders

UNDT/2022/015

2018-UNAT-859

2014-UNAT-407

2018-UNAT-889

2020-UNAT-1024

2021-UNAT-1172