

UNDT/2021/166, O'Brien

UNAT Held or UNDT Pronouncements

- The contested decision is receivable because it affected the Applicant's conditions of employment, and was the object of a timely management evaluation request. - There is no evidence on record that OAI's investigation of the complaints against the Applicant was mishandled. In the circumstances surrounding the investigation, there were no unreasonable decisions made which were contrary to OAI's Investigation Guidelines. The Applicant had his opportunity to refute all the allegations made, to question the circumstances and motivation behind the allegations, which he did. OAI's decision that no independent review was warranted was legal and compliant with its obligations and discretion. - The Tribunal cannot initiate an investigation against employees of another International Organization. - There was no evidence leading to establish that the allegations of sexual misconduct against the Applicant were malicious or linked to a retaliation for his whistle-blower role in alleging corruption in the Russian GEF project.

Decision Contested or Judgment/Order Appealed

The Applicant filed an application contesting the decision from the Director of OAI not to launch an investigation into malicious reporting against him after the Applicant was exonerated from an investigation of misconduct.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

O'Brien

Entity

UNDP

Case Number(s)

UNDT/GVA/2020/38

Tribunal

UNDT

Registry

Geneva

Date of Judgement

30 Dec 2021

Duty Judge

Judge Belle

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Administrative decision

Investigation

Applicable Law

Other UN issuances (guidelines, policies etc.)

- UNDP OAI Investigation Guidelines