

UNDT/2022/035, Mancinelli

UNAT Held or UNDT Pronouncements

The Tribunal held that the Applicant had an obligation as a staff member to uphold the highest standards of integrity which include acting with honesty. In her submissions, she argued that she acted truthfully and with honesty. She gave reasons why she thought she could use Organization's assets for personal benefit. The Tribunal found that the Applicant's justifications were not supported by any rule or regulation. She acted dishonestly in breach of integrity standards by using the Organization's UPS facility for personal benefit without any lawful justification. The Tribunal found that the Applicant's due process rights were respected and that the Applicant did not prove the allegation of bad faith. The reason she was separated was clear to her and to the Tribunal that she had violated her terms and conditions of contract.

Decision Contested or Judgment/OrderAppealed

The Applicant contested the imposition of a disciplinary measure of separation from service for misconduct with compensation in lieu of notice and without termination indemnity imposed on her in accordance with staff regulation 10.1(a) and staff rules 10.1(a) and 10.2(a)(viii).

Legal Principle(s)

In disciplinary cases, the Tribunal is called upon to examine the following: (i) whether the facts on which the disciplinary measure is based have been established; (ii) whether the established facts amount to misconduct; (iii) whether the staff member's due process rights were respected; and (iv), whether the sanction is proportionate to the offence.

Outcome

Judgment entered for Applicant in full or in part

Outcome Extra Text

The application was allowed in part.

Full judgment

[Full judgment](#)

Applicants/Appellants

Mancinelli

Entity

UNFPA

Case Number(s)

UNDT/NBI/2020/22

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

6 Apr 2022

Duty Judge

Judge Sikwese

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Disciplinary matters / misconduct

Misuse of or failure to exercise reasonable care in relation to UN property or assets

Applicable Law

Staff Regulations

- Regulation 1.2(b)
- Regulation 1.2(q)
- Regulation 10.1a)

Staff Rules

- Rule 10.1(a)
- Rule 10.2(a)(viii)

Other UN issuances (guidelines, policies etc.)

- Standards of Conduct for the International Civil Service