

2022-UNAT-1268, Leila Gharagozloo Pakkala

UNAT Held or UNDT Pronouncements

Ms. Pakkala filed an appeal. UNAT found that the decision to impose the administrative measures on Ms. Pakkala was a lawful and reasonable exercise of discretion.

The letter of the Director, DHR clearly set out the rationale for imposing the administrative measures, i.e. that the investigative process had surfaced a pattern of behavior exhibited by Ms. Pakkala over time which was cause for concern and justified the administrative measures. While the Director, DHR found the evidence of alleged harassment was not clear and convincing, in her opinion there were reasonable grounds to believe that Ms. Pakkala had not conducted herself in accordance with the high standards expected of an international civil servant at her level of seniority. UNAT noted that the wide-ranging allegations of several staff members, some of them holding senior positions, left little doubt that Ms. Pakkala's management style was perceived as autocratic and problematic. Her colleagues found her to be dismissive of their views and different perspectives and her conduct at times demeaning and insensitive. UNAT emphasized that there was no evidence that Ms. Pakkala was guilty of misconduct and that the problem was rather one of compatibility or fit. UNAT held that the removal of Ms. Pakkala's supervisory functions for two years was not beyond the bounds of rationality or proportionality. Likewise, there was no basis to interfere with the decision to place the reprimand in Ms. Pakkala's official status file for five years. UNAT was satisfied that there were reasonable grounds justifying the imposition of the administrative measures, which fell within the range of reasonable and proportionate responses aimed at enhancing self-awareness and improving Ms. Pakkala's people management competence. Finally, UNAT found that the evidence established convincingly that Ms. Pakkala had been given a full and ample opportunity to respond to all the allegations and that her due process rights had been fully respected throughout the process. UNAT dismissed the appeal.

Decision Contested or Judgment/Order Appealed

Ms. Pakkala, a staff member serving as a Senior Advisor at the D-2 level, filed an application with the UNDT challenging the imposition of certain administrative measures, namely: to issue her a written reprimand and to place it in her Official Status File (OSF) for a period of five years, to remove her from supervisory functions for two years, and to require her to undertake appropriate training to enhance self-awareness and improve people management skills. Ms. Pakkala had been the subject of an investigation into allegations of harassment and abuse of authority, and while these allegations had not been confirmed, the investigative process revealed that her behavior did not meet the high standards expected of an international civil servant at her level of seniority, specifically, her management style was perceived as autocratic and her conduct could be dismissive and demeaning. The UNDT dismissed Ms. Pakkala's application finding that the imposition of the administrative measures was procedurally and legally sound as well as factually supported. The UNDT rejected Ms. Pakkala's claim that her due process rights were violated purportedly because the Organization provided no concrete examples regarding her behavior shortcomings. The relevant allegations were clearly specified in the charge letter. The UNDT also noted that Ms. Pakkala was afforded the opportunity to provide comments at every step of the process and was represented by counsel. As such, the UNDT concluded that Ms. Pakkala's due process rights were respected. Regarding Ms. Pakkala's challenge that there was no factual basis for the administrative measures, the UNDT found that the facts were established on a preponderance of the evidence. The UNDT also dismissed Ms. Pakkala's argument that the administrative measures constituted disguised disciplinary measures and that they were disproportionate to the alleged conduct. The content of the reprimand letter was not meant to be punitive but was rather informative and cautionary in nature as it highlighted to Ms. Pakkala her behavioral shortcomings as a senior manager. The UNDT accepted that the removal of Ms. Pakkala's supervisory functions was a rational response on the part of the Organization to temporarily shield staff members while she underwent remedial training. The UNDT thus rejected Ms. Pakkala's contention that the imposition of the administrative measures was disproportionate.

Legal Principle(s)

Staff Rule 10.2(b) permits the imposition of administrative measures that shall not be considered disciplinary measures. Such measures are not intended to be punitive in nature but are aimed at efficiency and performance management in the interests of the Organization. The purpose of Staff Rule 10.2(b) is to permit remedial or corrective action. If there is a rational connection between the purpose of Staff Rule 10.2(b), the purpose of the decision to impose the administrative measures, the information upon which the decision is based and the reasons for the decision, then the exercise of discretion will pass the test of rationality and will be lawful. The imposition of administrative measures does not require any finding of misconduct and accordingly, there is no need to establish the facts justifying them on clear and convincing evidence.

Outcome

Appeal dismissed on merits

Outcome Extra Text

Ms. Pakkala's appeal is dismissed and Judgment No. UNDT/2021/076 is affirmed.

Full judgment

[Full judgment](#)

Applicants/Appellants

Leila Gharagozloo Pakkala

Entity

UN Secretariat

Case Number(s)

2021-1597

Tribunal

UNAT

Registry

New York

Date of Judgement

19 Aug 2022

President Judge

Judge Murphy

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Non-disciplinary/administrative measures

Right to comment/respond

Disciplinary matters / misconduct

Due process

Applicable Law

Staff Rules

- Rule 10.2(b)