

UNDT/2023/044, Zhang

UNAT Held or UNDT Pronouncements

It is incumbent on the Applicant to allege and to prove that her complaint was not handled following the applicable procedures and/or that there was a failure to properly assess relevant and available evidence, which led to a manifestly unreasonable decision. After a careful review of the case file and the evidence before it, the Tribunal has not identified any procedural irregularity committed by OIOS in its preliminary assessment nor any wrongdoing. Instead, the Tribunal finds that the decision to close the complaint without any further action was well-substantiated and in line with the relevant elements of the case. In fact, the Applicant failed to identify specific incidents, her accusations were vague, she did not describe a single incident that could amount to prohibited conduct under ST/SGB/2019/8, and she did not provide any supporting documentation. The Applicant also claimed being victim of retaliation, but there is no evidence that she reached out to the Ethics Office. As a result, the Tribunal finds the decision to close the Applicant's complaint without further action a regular exercise of administrative discretion.

Decision Contested or Judgment/Order Appealed

The Applicant contests the decision to close her complaint of prohibited conduct against her FRO without further investigation.

Legal Principle(s)

It is not the Tribunal's role to engage in a de novo investigation of the alleged complaint nor to make a determination on its content.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Zhang

Entity

UNOG

Case Number(s)

UNDT/GVA/2022/005

Tribunal

UNDT

Registry

Geneva

Date of Judgement

31 May 2023

Duty Judge

Judge Bravo

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Fact-finding investigation

Fact-finding investigation

Judicial review (general)

Investigation

Standard of review (judicial)

Applicable Law

Secretary-General's bulletins

- ST/SGB/2019/8
- ST/SGB/2008/5

Administrative Instructions

- ST/AI/2017/1

UNAT Statute

- Article 2.1(a)

UNDT Statute

Related Judgments and Orders

2011-UNAT-123

2010-UNAT-084

2010-UNAT-100

2015-UNAT-505

2015-UNAT-518/Corr.1