

UNDT/2023/050, Asgedom

UNAT Held or UNDT Pronouncements

In this case, the facts were established and there was clear and convincing evidence that the Applicant committed fraud on purpose.

The Applicant's conduct amounted to a breach of his basic obligations under staff regulations 1.2(b) and (g), staff rule 1.2(i), and the Strategic Framework for the Prevention of Fraud and Corruption.

The evidence is clear and convincing that the Applicant acted with knowledge and intent to mislead (and even with a possible personal economic interest).

Given the nature and gravity of the Applicant's misconduct, the sanction is not absurd, unreasonable, or disproportionate.

The Applicant's registration fraud for a single person alone renders the continuation of the employment relationship intolerable and warrants dismissal.

The Applicant failed to establish any violations of due process that could impact the disciplinary measure.

Decision Contested or Judgment/Order Appealed

The disciplinary measure of dismissal imposed on the Applicant.

Legal Principle(s)

In reviewing a disciplinary measure, the Dispute Tribunal should determine (a) whether the alleged facts have been established; (b) whether the established facts constitute misconduct; (c) whether the disciplinary measure is proportionate to the offence; and (d) whether due process was respected.

Any form of dishonest conduct compromises the necessary relationship of trust between employer and employee and will generally warrant dismissal.

The key elements of an Applicant's rights of due process are that he must be fully informed of the charges against him and be given the opportunity to contest them.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Asgedom

Entity

UNHCR

Case Number(s)

UNDT/NBI/2022/046

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

12 Jun 2023

Duty Judge

Judge Buffa

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Disciplinary measure or sanction

Dismissal/separation

Disciplinary matters / misconduct

Applicable Law

Staff Regulations

- Regulation 1.2(g)
- Regulation 1.2(b)

Staff Rules

- Rule 1.2(i)

Laws of other entities (rules, regulations etc.)

- UNHCR IOM No. 044/2013-FOM 044/2013

Related Judgments and Orders

2011-UNAT-164

2010-UNAT-098

2020-UNAT-1033

2021-UNAT-1156

2013-UNAT-302

2019-UNAT-918