

# UNDT/2023/072, Kennedy

## UNAT Held or UNDT Pronouncements

Having reviewed all the factors used in determining the appropriate sanction for the Applicant's misconduct, the Tribunal finds that the USG/DMSPC has provided sufficient reasoning in the contested decision and has established a rational connection or relationship between the evidence and the objective of the disciplinary action.

## Decision Contested or Judgment/Order Appealed

The Applicant contests the decision of the Under-Secretary-General for the Department of Management Strategy, Policy and Compliance ("USG/DMSPC") to impose upon him the disciplinary measures of written censure with loss of four steps in grade.

## Legal Principle(s)

As the Appeals Tribunal has stated, the Administration has discretion to impose the disciplinary measure that it considers adequate to the circumstances of a case and to the actions and behaviour of the staff member involved, and the Tribunal should not interfere with administrative discretion unless the sanction imposed appears to be "blatantly illegal, arbitrary, adopted beyond the limits stated by the respective norms, excessive, abusive, discriminatory or absurd in its severity".

## Outcome

Dismissed on merits

## Outcome Extra Text

The Tribunal also notes that the contested decision imposes only a “written censure with loss of four steps in grade”, which correspond to the two most lenient options in the list of disciplinary measures available under staff rule 10.2(a). Given the circumstances of the case, the Tribunal finds that these disciplinary measures are proportionate to the established misconduct and are not excessive.

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Kennedy

## Entity

DSS

## Case Number(s)

UNDT/NY/2022/016

## Tribunal

UNDT

## Registry

New York

## Date of Judgement

19 Jul 2023

## Duty Judge

Judge Adda

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Conduct

## Applicable Law

Administrative Instructions

## Related Judgments and Orders

UNDT/2020/209

2021-UNAT-1184

2010-UNAT-084

2018-UNAT-895

2022-UNAT-1298

2015-UNAT-523

2018-UNAT-889

2020-UNAT-1064

2017-UNAT-781

UNDT/2016/017