

UNDT/2023/129, Blais

UNAT Held or UNDT Pronouncements

The Tribunal observed that there was no dispute with respect to the material facts of the case. The Applicant was subject to an investigation and disciplinary process while employed at UNOPS, had his appointment terminated for misconduct, and did not disclose this information in his PHP when applying for the position at the UNLB, UNGSC.

The Applicant's attempts to justify his conduct were both illogical and not grounded on evidence.

False claims and misrepresentations of qualifications on PHPs constitute serious misconduct for violating the legal framework. The Applicant's conduct was not an accidental mistake, but a well-thought attempt at concealing relevant information, which undermined the integrity of the Organization's recruitment process and could have potentially caused reputational damage. The disciplinary sanction was thus proportionate to the offence.

Decision Contested or Judgment/Order Appealed

The Applicant contests the decision to impose on him the disciplinary measure of separation from service, with compensation in lieu of notice and without termination indemnity, for having made misrepresentations and material omissions in his PHP.

Legal Principle(s)

In disciplinary cases, the role of the Dispute Tribunal is to examine whether the facts on which the sanction is based have been established, whether the established facts legally amount to misconduct, and whether the sanction is proportionate to the offence.

When termination is a possible outcome, misconduct must be established by clear and convincing evidence.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Blais

Entity

UNLB

Case Number(s)

UNDT/GVA/2022/019

Tribunal

UNDT

Registry

Geneva

Date of Judgement

20 Nov 2023

Duty Judge

Judge Sun

Language of Judgment

English

Appeal Number

2013-UNAT-302
2011-UNAT-164
2021-UNAT-1167
2017-UNAT-781
UNDT/2023/034
2022-UNAT-1301
2013-UNAT-362
2013-UNAT-388
2018-UNAT-859
2023-UNAT-1311
2022-UNAT-1298

Issuance Type

Judgment

Categories/Subcategories

Disciplinary measure or sanction
Disciplinary matters / misconduct

Applicable Law

Staff Rules

- Rule 1.5(a)
- Rule 10.1(a)

Former Staff Regulations

- Regulation 1.2(b)