

UNDT/2024/108, Egenhoff

UNAT Held or UNDT Pronouncements

The Application was granted in part.

The Tribunal rescinded the disciplinary measure of separation from service imposed on the Applicant, and ordered reinstatement or, in the alternative, compensation in lieu, calculated at two (2) year's net base salary.

In all other respects, the Respondent's decision is AFFIRMED and the Applicant's prayers refused.

Decision Contested or Judgment/Order Appealed

The Applicant challenged his separation from service based on misconduct arising from the misuse of his position and engaging in a conflict of interest.

Outcome

Judgment entered for Applicant in full or in part

Outcome Extra Text

The Tribunal concluded that the Applicant's conduct in providing confidential information to a close colleague external to the organization constituted misconduct.

However, the Tribunal held that the sanction of separation from service with compensation in lieu of notice and without termination indemnity was excessive, and that in light of mitigating factors, the desired result of imposing a disciplinary action could have been achieved by a written censure.

Accordingly, the Tribunal rescinded the decision to separate the Applicant and directed the Respondent to impose the disciplinary measure of written censure instead.

The Tribunal further concluded that the evidence did not support that the Applicant's condition of burnout and exhaustion resulted from the imposition of an excessive and disproportionate sanction.

Full judgment

[Full judgment](#)

Applicants/Appellants

Egenhoff

Entity

UNDP

Case Number(s)

UNDT/NBI/2023/068

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

9 Dec 2024

Duty Judge

Judge Wallace

Language of Judgment

English

Appeal Status

Appealed

Issuance Type

Judgment

Categories/Subcategories

Abuse of authority

Termination of appointment (see also, Termination of appointment)

Unauthorised outside activities and conflict of interest

Disciplinary matters / misconduct

Separation from service

Applicable Law

Staff Regulations

- Regulation 1.2(m)
- Regulation 1.2(p)

Staff Rules

- Rule 1.2(i)

UNDP Legal Framework for Addressing Non-Compliance with UN Standards of Conduct as of March 2022

UNAT Statute

- Article 9.4

Related Judgments and Orders

2021-UNAT-1121

2013-UNAT-311
2017-UNAT-721
2017-UNAT-780
2018-UNAT-849
2018-UNAT-849
2017-UNAT-712
UNDT/2018/086
2019-UNAT-899
2023-UNAT-1368
2015-UNAT-545
2015-UNAT-523
2014-UNAT-408
2014-UNAT-401
2015-UNAT-549
2016-UNAT-700
2017-UNAT-781
2019-UNAT-955
2018-UNAT-859
2013-UNAT-336
2013-UNAT-280
2020-UNAT-1033
2010-UNAT-084
2020-UNAT-1024
2015-UNAT-550
2023-UNAT-1370