



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Judgment No. 2025-UNAT-1533

Cristina Silva Roig
(Appellant)

v.

Secretary-General of the United Nations
(Respondent)

JUDGMENT

Before:	Judge Gao Xiaoli, Presiding Judge Nassib G. Ziadé Judge Abdelmohsen Sheha
Case No.:	2024-1903
Date of Decision:	21 March 2025
Date of Publication:	8 May 2025
Registrar:	Juliet E. Johnson

Counsel for Appellant:	Víctor Rodríguez
Counsel for Respondent:	Noam Wiener

JUDGE GAO XIAOLI, PRESIDING.

1. Ms. Silva Roig (Ms. Roig) filed an appeal before the United Nations Appeals Tribunal (UNAT or Appeals Tribunal) against Judgment No. UNDT/2023/141 (impugned Judgment),¹ issued by the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) on 22 December 2023 in which the UNDT dismissed her application challenging the decisions: i) to dismiss her from service pursuant to Staff Rules 10.1(a) and 10.2(a)(ix) for fraud; and ii) to separate her from service with compensation in lieu of notice but without termination indemnity in accordance with Staff Rule 10.2(a)(viii) for misuse of authority (contested decisions).

2. For the reasons set out below, we dismiss the appeal and affirm the impugned Judgment.

Facts and Procedure²

3. Ms. Roig joined the Organization in 1991 and at the time of her dismissal, she was serving on a permanent appointment at the G-5 level.³

4. Between 2017 and 2019, Ms. Roig served concurrently as the Vice-President of the United Nations Athletic Club (UNAC) and as the second Vice-President and Co-Treasurer of the United Nations Staff Union (UNSU or Staff Union).⁴

2017 United Nations Staff Day (Staff Day 2017)

5. In preparation for Staff Day 2017, a bank account was set up for the specific purpose of Staff Day 2017.

6. Also, in preparation for Staff Day 2017, Ms. Roig solicited and was granted a donation of USD 3,800 from the United Nations Federal Credit Union (UNFCU) for sporting activities for the event.

7. On 12 August 2017, Ms. Roig asked a UNFCU representative to deposit this sum into the UNAC bank account.

¹ *Silva Roig v. Secretary-General of the United Nations*, Judgment No. UNDT/2023/141.

² The facts are taken from the parties' jointly-signed statement in response to UNDT Order No. 065 (NY/2023) dated 31 July 2023, providing a chronology of agreed facts.

³ Impugned Judgment, para. 4.

⁴ *Ibid.*

8. On 18 August 2017, UNFCU deposited USD 3,800 in the UNAC account. Ms. Roig did not inform the UNSU Treasurers of the donation.

9. On 30 August 2017, Ms. Roig cashed out a check at the amount of USD 3,800 from the UNAC account.

10. On 8 September 2017, Staff Day 2017 was celebrated at the United Nations Headquarters.

2018 United Nations Staff Day (Staff Day 2018)

11. In June 2018, the Staff Union created a committee to organize Staff Day 2018. The Staff Day Committee consisted of Ms. Roig and five other members of the Staff Union leadership.

12. On 25 June 2018, Ms. Roig solicited a donation from UNFCU for Staff Day 2018.

13. On 13 August 2018, she asked that UNFCU deposit USD 2,000 in the Staff Union account and USD 3,000 in the UNAC account. On 16 August 2018, UNFCU deposited the respective amounts in the relevant accounts.

14. In the course of August and September 2018, Ms. Roig withdrew funds from the UNAC account.

15. On 4 September 2018, Ms. Roig e-mailed the Permanent Mission of Qatar, identifying herself as the second Vice-President of the Staff Union, to solicit a contribution for Staff Day 2018. Ms. Roig requested that a contribution of USD 15,000 be deposited in the UNAC bank account. On 6 September, USD 15,000 from the Permanent Mission of Qatar was deposited in the UNAC bank account.

16. On 7 September 2018, Staff Day 2018 took place.

17. On 10 September 2018, one of the members of the Staff Union leadership, having heard that the Permanent Mission of Qatar had contributed money toward Staff Day 2018, inquired about the contribution with Ms. Roig. Ms. Roig then disclosed the existence of the donation by the Permanent Mission of Qatar but advised that its contribution amounted to only USD 12,000 rather than USD 15,000. She then withdrew USD 12,000 from the UNAC bank account and deposited it in the Staff Union bank account in two separate tranches.

18. On 12 October 2018, the Permanent Mission of Qatar informed the Staff Union leadership of the actual total amount of the contribution.

19. On 20 October 2018, the Office of Internal Oversight Services (OIOS) received a report from Ms. Roig's colleagues at the Staff Union of possible misconduct implicating Ms. Roig.

20. On 24 September 2019, following an investigation, OIOS issued the Investigation Report.

21. On 23 December 2020, the Assistant Secretary-General for Human Resources (ASG/OHR) informed Ms. Roig that she had decided to initiate disciplinary proceedings against her.

22. On 15 March 2021 and again on 23 December 2021, Ms. Roig responded to the allegations leveled against her.

23. On 11 January 2022, the ASG/OHR informed Ms. Roig of the decision to impose upon her the disciplinary measure of dismissal due to fraud. The ASG/OHR stated that her misuse of authority would have warranted imposing on her the disciplinary measure of separation with compensation in lieu of notice and without termination indemnity, but that this disciplinary measure was subsumed in the decision to dismiss her from service.

24. On 10 April 2022, Ms. Roig filed an application with the UNDT.

Impugned Judgment

25. On 22 December 2023, the UNDT issued the impugned Judgment, dismissing Ms. Roig's application. The UNDT found that the contributions from UNFCU and the Permanent Mission of Qatar were intended for the Staff Union, and that, by diverting funds from these contributors to UNAC, Ms. Roig had misused her authority. The UNDT further found that Ms. Roig had committed fraud when she misled the Staff Union leadership about the amounts of the UNFCU 2018 contribution and the contribution from the Permanent Mission of Qatar.⁵

26. The UNDT held that by intentionally deceiving the Staff Union as to the amount of the 2018 UNFCU contribution, reporting and transferring only USD 2,000 out of the USD 5,000 amount, and by intentionally deceiving the Staff Union as to the amount of the contribution of the

⁵ *Ibid.*, paras. 36-37, 39 and 42.

Permanent Mission of Qatar, reporting and transferring USD 12,000 instead of the USD 15,000 donated by the Permanent Mission of Qatar, Ms. Roig defrauded the Staff Union. The UNDT considered the constitutive elements of fraud and concluded that misleading a party to gain a financial advantage constitutes fraud even if it was perpetrated to gain a financial advantage for a third party.⁶

27. The UNDT further found that Ms. Roig misused her authority when she diverted funds that were meant to be contributed by UNFCU and the Permanent Mission of Qatar. In this regard, the UNDT found that the context in which she misused her authority and engaged in fraud was not relevant to the question of her responsibility for such misconduct.⁷ The UNDT recalled that Ms. Roig misused her office in three different instances and committed fraud twice, that it was reasonable for the Administration to entirely lose its trust in her and that, even if the Administration failed to demonstrate that Ms. Roig indeed intended to benefit herself and not just UNAC, the sanctions were not irrational, arbitrary, or otherwise excessive compared to the nature and gravity of the offences.⁸

28. The UNDT found that the Organization had considered mitigating circumstances as well as relevant aspects of Ms. Roig's actions, including their potential to damage the Organization's reputation and found that in terms of proportionality, the Administration did not exceed its authority when issuing the disciplinary sanctions against Ms. Roig.⁹

Procedure before the Appeals Tribunal

29. On 20 February 2024, Ms. Roig filed an appeal against the impugned Judgment, and on 7 May 2024, the Secretary-General filed his answer.

Submissions

Ms. Roig's Appeal

30. Ms. Roig submits that the UNDT erred in finding that UNFCU and the Permanent Mission of Qatar intended to contribute funds to the Staff Union and not to UNAC. UNAC was involved in the Staff Days and as an official of both UNAC and the Staff Union she was

⁶ *Ibid.*, paras. 36 and 39.

⁷ *Ibid.*, para. 23.

⁸ *Ibid.*, paras. 52 and 55.

⁹ *Ibid.*, para. 55.

soliciting funds for both institutions in connection with the Staff Days. She was therefore under no obligation to inform the Staff Union of the portions of the three contributions that were intended for UNAC. Indeed, in her capacity, Ms. Roig wanted UNAC to participate, as a Club, in Staff Days. When she requested a donation for UNAC from UNFCU, it was done for UNAC. It was not done on behalf of UNSU and UNFCU never put into question these donations. In addition, Ms. Roig did not inform the UNSU Treasurers of the donation as UNAC never informed UNSU or other entities of the donations received by the Club. UNAC did not have to report to UNSU what UNFCU or other entities were doing for UNAC.

31. Ms. Roig claims that the UNDT erred in holding that as a matter of law, to find her responsible for misuse of authority or for fraud, the Administration did not need to prove that she had personally benefited from her acts. In support of this contention, Ms. Roig cites the definition of fraud from the Information circular ST/IC/2016/25 (Anti-Fraud and Anti-Corruption Framework of the United Nations Secretariat). Ms. Roig quotes Staff Regulation 1.2(g) to claim that, since the UNDT did not find that she personally benefited from misuse of authority and fraud, it should have found that she did not engage in the alleged misconduct. Ms. Roig further relies on the UNAT's Judgment in *Asghar* to claim that, absent a finding that she had personally benefited from the fraud, she could not be held to have engaged in fraud by misleading the Staff Union regarding the contributions.¹⁰

32. Ms. Roig avers that the UNDT erred in law by ignoring a “decisive factor” in determining her responsibility for misusing her authority and for engaging in fraud, i.e. the “toxic political context” in the Staff Union. The Treasurers of the UNSU as well as the Chairperson of the Raffle Committee – the person who initiated the case against Ms. Roig – were a major part of the political chaos occurring in the Staff Council at that time when they passed a vote of no confidence against the President of the Staff Union.

33. Ms. Roig submits that because the UNDT did not find that she had misused her authority and engaged in fraud for her personal benefit, the contested decisions were excessive and disproportionate. Moreover, the UNDT erred in upholding the contested decisions because issuing “double sanctions” against her was disproportionate.

34. Ms. Roig asks that the Appeals Tribunal reverse the impugned Judgment, rescind the contested administrative decisions, and order her reinstatement and payment of salary and

¹⁰ *Asghar v. Secretary-General of the United Nations*, Judgment No. 2020-UNAT-982.

benefits since the time of her separation or, in the alternative, compensation in the amount of two years' net base salary, at the scale applicable at Ms. Roig's separation, in pecuniary damages for past and future loss of income for the harm suffered as a result of her unfair separation from service without indemnity.

35. Ms. Roig also asks that the Appeals Tribunal award compensation in the amount of one year's net base salary, at the scale applicable at the time of her separation, for moral damages for high distress and enduring damage to her health, reputation, professional employment prospects and in her life in general.

The Secretary-General's Answer

36. The Secretary-General contends that the UNDT correctly found that UNFCU and the Permanent Mission of Qatar intended to contribute funds to UNSU and not to UNAC. Ms. Roig's contention that she was soliciting funds for both UNSU and UNAC at the same time is not supported by the evidence. In her correspondence with UNFCU and with the Permanent Mission of Qatar, Ms. Roig identified herself only as the second Vice-President of UNSU and did not mention her affiliation with UNAC. Furthermore, if UNAC were indeed to be the beneficiary of contributions from UNFCU and the Permanent Mission of Qatar, correspondence with them would have shown that they were informed that the funds they were contributing were being divided between UNSU and UNAC.

37. There is, however, no trace of the exchange of any such information in the case file. Nowhere in the correspondence between Ms. Roig and UNFCU or Ms. Roig and the Permanent Mission of Qatar is UNAC mentioned, other than in her final instructions to divert the contributions to the UNAC bank account. Her claim that she was soliciting contributions on behalf of UNAC is therefore not supported by the evidence. Even if she thought she was soliciting funds on behalf of UNAC, by not disclosing this fact to UNFCU, the Permanent Mission of Qatar, and UNSU, she misused her authority and eventually perpetrated fraud.

38. The Secretary-General contends that the UNDT correctly held that Ms. Roig had engaged in fraud and misuse of authority even though she did not personally benefit from her malfeasance. Contrary to Ms. Roig's assertion, staff members may be found responsible for engaging in fraud even if they did not personally benefit from the fraud. The definition of fraud from ST/IC/2016/25 clearly provides that fraud can be perpetrated for the benefit of a third party. Moreover, contrary

to Ms. Roig's claim, the definition of fraud in *Asghar* does not require that the perpetrator personally benefit from the fraud. By the same token, pursuant to Staff Regulation 1.2(g), personal benefit is not a prerequisite for misuse of authority.

39. Next, the Secretary-General submits that the UNDT correctly determined that the discord alleged by Ms. Roig to have existed between her and other members of the Staff Union leadership was irrelevant to the determination of the case. Ms. Roig does not herself explain, in her appeal, how the allegedly "toxic political context" could justify misuse of authority or fraud. At any rate, even if UNSU was, at the time, plagued by discord and political intrigue, organizational discord is neither an excuse nor a justification for misuse of authority or fraud.

40. Finally, the Secretary-General contends that the UNDT did not err in finding that the disciplinary measures imposed were proportional. The fact that the beneficiary of malfeasance is a third party, rather than the perpetrator, mitigates neither the loss of trust due to the perpetrator's deceptive conduct, nor the financial loss caused by the deception. The disciplinary measures imposed have also been found to have been proportionate in past cases involving deceptive and fraudulent conduct. Furthermore, the Administration did not impose "double sanctions". The contested decisions state that Ms. Roig's engagement in misuse of authority would have warranted separation from service with compensation in lieu of notice, but without termination indemnity, but that measure was subsumed in the decision to dismiss her from service. Furthermore, even if the Administration had imposed two separate disciplinary measures, there is nothing in the legal framework that prohibits the imposition of separate disciplinary measures for separate types of misconduct.

41. The Secretary-General asks that the Appeals Tribunal dismiss the appeal and affirm the impugned Judgment.

Considerations

42. In our seminal case *Mahdi*,¹¹ the UNAT established that, when reviewing disciplinary decisions, judicial review is limited to examining: i) whether the facts on which the disciplinary measure was based have been established; ii) whether the established facts legally amount to misconduct under the Staff Regulations and Rules; iii) whether the disciplinary measure applied

¹¹ *Mahdi v. Secretary-General of the United Nations*, Judgment No. 2010-UNAT-018, para. 27.

is proportionate to the offence; and iv) whether the staff member's due process rights were respected.

43. Further, we have specified that when termination is a possible outcome, misconduct must be established by clear and convincing evidence, which requires "more than a preponderance of the evidence but less than proof beyond a reasonable doubt – it means that the truth of the facts asserted is highly probable".¹²

44. In this case, Ms. Roig did not argue that her due process rights were violated. Therefore, we will examine her contentions from the other three aspects to determine whether the UNDT committed an error of fact or law that would warrant our intervention.

Whether the facts on which the disciplinary measures were based have been established by clear and convincing evidence

45. As the UNDT found, both parties concurred on the occurrence of events in nearly all relevant aspects. The main issue raised by Ms. Roig in her appeal concerns the UNDT's factual findings and, in particular, whether the UNDT committed an error in fact when it failed to distinguish between what was done for UNAC and what was done for UNSU. Therefore, the issue for consideration in this part is as follows:

- *Did the UNDT err in finding that UNFCU and the Permanent Mission of Qatar intended to contribute funds to UNSU and not to UNAC?*

46. Ms. Roig emphasizes her dual roles with UNAC and UNSU, stating that she performed parallel activities for both institutions. It follows from this line of reasoning that she was soliciting donations for both institutions for Staff Day 2018, and that the UNFCU donation was accordingly split – USD 3,000 went to the UNAC account and USD 2,000 to the UNSU account. Similarly, she argues that the USD 3,800 UNFCU donation for Staff Day 2017 was intended not for UNSU, but for UNAC sporting activities.

47. We find Ms. Roig's contention unsupported by the evidence. Nowhere in the e-mail exchanges between Ms. Roig and the UNFCU representative concerning Staff Days 2017 and 2018 is UNAC mentioned, except for providing the UNAC bank account as a means of payment. In all relevant e-mails, Ms. Roig identified herself as the second Vice-President of UNSU. The subject

¹² *Molari v. Secretary-General of the United Nations*, Judgment No. 2011-UNAT-164, para. 30.

matter of these communications consistently referred to the Staff Day and the purpose of the donation was framed as being for the benefit of all United Nations staff members, not solely for UNAC members.

For example, in her e-mail to the UNFCU representative on 8 August 2017, Ms. Roig stated:¹³

Thanks for your kind offer to donate \$2,000 dollars. We very much appreciate what you are doing *for the UN staff*.

...

(...) We are confident that *United Nations staff from around the world* would thoroughly enjoy these sport tournaments and sincerely hope that you would be able to take advantage of this opportunity to get more exposure.

48. On the same day, the UNFCU representative responded:¹⁴

Thank you for the additional details. As it would *enable the Staff Union to better meet event-needs*, UNFCU will provide \$3,800 to support UN Staff Day 2017.

49. If Ms. Roig had been acting on behalf of UNAC, as she now claims, she should have indicated her affiliation with UNAC and stated that the solicited funds were intended for UNAC activities. However, no such evidence is on record to support her assertion.

50. Contrary to Ms. Roig's claim, the evidence shows that UNFCU never intended to donate funds to UNAC. In her interview with OIOS, the UNFCU representative stated that UNFCU was unaware that it was donating to UNAC or supporting UNAC activities, and, to her knowledge, UNFCU had "never individually supported through funding any athletic club".¹⁵

51. Ms. Roig claims that the UNDT confused UNAC and UNSU activities and failed to distinguish between participation in Staff Days as UNAC and acting on behalf of UNSU. In our view, it is Ms. Roig who failed to make such a distinction in her communications with the UNFCU representative. The distinction she now attempts to assert appears self-serving and cannot justify her diversion of the relevant funds to the UNAC account.

¹³ Emphasis added.

¹⁴ Emphasis added.

¹⁵ Sanction letter dated 11 January 2022, p. 10.

52. After examining all the evidence in the case file, we are satisfied that the UNDT did not err in finding that the facts on which the disciplinary measures were based were established by clear and convincing evidence.

Whether the established facts amount to misconduct

53. Ms. Roig reiterates her argument that the three constitutive elements of the legal definition of fraud should include: i) the intention to defraud; ii) causing prejudice to another party; and iii) obtaining a personal gain. She claims that the UNDT committed an error in law by excluding “obtaining a personal gain” from the constitutive elements of fraud. Similarly, she contends that obtaining personal gain is also a constitutive element of the definition of misuse of authority. Therefore, the issue for consideration in this part is as follows:

- *Did the UNDT err in finding that Ms. Roig had engaged in fraud and misuse of authority even though she did not personally benefit from her alleged misconduct?*

a. The constitutive elements of fraud

54. First, the definition of fraud upon which Ms. Roig based her appeal is outlined in ST/IC/2016/25. Ms. Roig asserts that the UNDT accepted this definition of fraud and that it should be understood as containing three cumulative constitutive elements, i.e. the intention to defraud, causing prejudice to another party and obtaining a personal gain.

55. This is merely Ms. Roig’s interpretation. We find that the UNDT has never reached such a conclusion. The UNDT conducted a comprehensive review of the constitutive elements of fraud as outlined in ST/IC/2016/25, the jurisprudence of the UNAT and the Administrative Tribunal of the International Labour Organization, and other legal sources, such as authoritative law dictionaries. None of these definitions make “obtaining a personal gain” a required element of fraud.

56. The definition of fraud in ST/IC/2016/25 unequivocally provides that fraud can be committed “to obtain an undue benefit or advantage for himself, herself, itself *or a third party, or to cause another to act to his or her detriment*”.¹⁶ It lists three options by using the word “or”, obtaining an undue personal benefit being just one of them.

¹⁶ Emphasis added.

57. Ms. Roig also misconstrues the UNAT's findings in *Asghar*. By misquoting paragraph 35 of *Asghar*, Ms. Roig contends that "[t]he formulation of fraud made by the UNAT in *Asghar*, includes 'to obtain personal or financial benefit' as an essential and implicit constitutive element of fraud".¹⁷

58. To clarify the inaccuracy of Ms. Roig's statement, we quote the relevant part of *Asghar*:¹⁸

.. [A] finding of fraud against a staff member of the Organization is a serious matter. Such finding will have grave implications for the staff member's reputation, standing and future employment prospects. For that reason, the UNDT generally should reach a finding of fraud only on the basis of sufficient, cogent, relevant, and admissible evidence permitting appropriate factual inferences and legal conclusions that *each element of fraud (the making of a misrepresentation, the intent to deceive and prejudice)* has been established in accordance with the standard of clear and convincing evidence. In other words, the commission of fraud must be shown by evidence to have been highly probable.

59. Therefore, the UNDT correctly concluded that fraud consists of three cumulative elements, namely, the unlawful making of a misrepresentation, the intent to defraud or deceive, and causing actual or potential prejudice to another. Obtaining personal gain has never been deemed one of the constitutive elements of fraud.

b. The constitutive elements of misuse of authority

60. Similarly, Ms. Roig submits that obtaining personal gain is also a constitutive element of the definition of misuse of authority. This submission is also without merit.

61. The definition of misuse of authority is stipulated in Staff Regulation 1.2(g), which Ms. Roig does not contest:¹⁹

... Staff members shall not use their office or knowledge gained from their official functions for private gain, financial or otherwise, *or for the private gain of any third party*, including family, friends and those they favour. Nor shall staff members use their office for personal reasons to prejudice the positions of those they do not favour.

¹⁷ Emphasis added.

¹⁸ *Asghar* Judgment, *op. cit.*, para. 35 (emphasis added).

¹⁹ Emphasis added.

62. The definition clearly indicates that misuse of authority can involve the private gain of any third party. In the present case, the UNDT correctly held that by diverting the UNFCU donation for Staff Day 2017 to UNAC, Ms. Roig had used her office for the private gain of the third party, i.e., UNAC.

63. Ms. Roig's strong belief that obtaining a private benefit is essential for both fraud and misuse of authority led her to consider the UNDT's conclusion that the fraud and misuse of authority were established as "the most surprising", despite the Administration not demonstrating that she was motivated by her own monetary gains. However, as we have analyzed above, the motivation to obtain an undue private benefit is not required for establishing fraud or misuse of authority. Therefore, we cannot support Ms. Roig's arguments in this regard. We find that the UNDT did not err in fact or in law when it held that Ms. Roig's conduct constituted fraud and misuse of authority, which clearly amounts to misconduct.

Whether the disciplinary measures applied were proportionate to the offence

- *Did the UNDT err in finding that the disagreements alleged by Ms. Roig between her and other members of UNSU leadership were irrelevant to the determination of whether the contested decisions were lawful?*

64. Ms. Roig argues that the UNDT erred in law by ignoring a "decisive factor", i.e., the "toxic political context" in UNSU, in determining her responsibility for the alleged misconduct of fraud and misuse of authority.

65. Ms. Roig has raised this argument before the UNDT, which made a meticulous examination of the political context she referred to. The UNDT correctly found that the alleged political context was a different matter and, therefore, was irrelevant to the question of the propriety of the misconduct findings.

66. We agree with the UNDT. Regardless of what the environment was within UNSU at the relevant time, it cannot justify Ms. Roig's misconduct, nor should it influence the finding of misconduct.

- *Did the UNDT err in finding that the disciplinary measures imposed on Ms. Roig were proportional and in refraining from intervening in the decision to impose them?*

67. Ms. Roig argues that “the relation between [her] careless acts and the double sanctions is clearly out of all proportion”, and that the UNDT erred in law by concluding that the Administration did not exceed its authority when issuing the disciplinary sanctions against her.

68. We cannot accept Ms. Roig’s argument. In our view, Ms. Roig’s actions were not merely “careless”. On the contrary, her acts were intentional. The clear and convincing evidence established that she committed fraud and misuse of authority. The Appeals Tribunal reiterates that dishonest conduct, by definition, involves intent or some element of deception. Deliberate false statements, misrepresentations and failure to disclose required information are inevitably dishonest.²⁰

69. The Administration did not impose double sanctions on Ms. Roig. The sanction for misuse of authority was subsumed in the sanction for fraud. Thus, the only final disciplinary measure imposed on Ms. Roig was dismissal.

70. Ms. Roig repeatedly claims that her behavior may have been “clumsy”, carried out “in a hurry” and in a toxic political environment, and that her management of the situation might have been untidy. These excuses are not plausible and cannot mitigate her responsibility. Indeed, her actions occurred on several occasions, pointing to a pattern of behavior. The intentional and repeated misconduct of fraud warrants the most severe sanction.

71. The Tribunals have consistently ruled that misconduct involving intentional and deceptive conduct merits the most severe sanctions, such as separation from service or dismissal. Such measures have been found proportionate in cases of fraudulent conduct as “[f]raud undermines the very integrity of the Organization”.²¹

²⁰ *Ahmad Shuaib Payenda v. Secretary-General of the United Nations*, Judgment No. 2021-UNAT-1156, para. 39.

²¹ *Jaber et al. v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. 2016-UNAT-634, para. 27.

72. Our jurisprudence holds that, as a general rule, any form of dishonest conduct compromises the necessary relationship of trust between an employer and their employees and will warrant dismissal.²²

73. Compared with previous fraud cases, where an employee who committed a single act of fraud, or who had more mitigating factors, was sanctioned with separation from service or dismissal, the sanction imposed on Ms. Roig by the Administration cannot be deemed as out of proportion.

74. Therefore, Ms. Roig's contention concerning the sanction cannot be sustained.

²² *Ahmad Shuaib Payenda Judgment, op. cit.*, para. 38.

Judgment

75. Ms. Roig's appeal is dismissed, and Judgment No. UNDT/2023/141 is hereby affirmed.

Original and Authoritative Version: English

Decision dated this 21st day of March 2025 in Nairobi, Kenya.

(Signed)

Judge Gao, Presiding

(Signed)

Judge Ziadé

(Signed)

Judge Sheha

Judgment published and entered into the Register on this 8th day of May 2025 in New York, United States.

(Signed)

Juliet E. Johnson,
Registrar