
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/GVA/2015/1 0

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Before:

1. The Applicant's application submitted (by email on 16 June 2015) and filed (by the Tribunal) on 2 June 2015) the Applicant contests a decision of

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Case No. UNDT/GVA/2015/140

Judgment No. UNDT/2016/017

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g. On the basis of the above and additional facts, the Arbitral Tribunal recommended to award the respondent to pay the amount of \$1,000,000. The award is made on the basis of the following findings of fact and law:

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22. As to the second ground for dismissal /#a+a. 1 .' a'o(e4) t'e &ontested de&%s%on stated>

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26. On 16 June 2015 the Applicant emailed the Tribunal and on 2 June 2015 the Tribunal responded by email.

27. The Applicant filed his appeal on 10 July 2015.

28. On 15 July 2015 the Tribunal issued its decision on the Applicant's appeal. The Tribunal found that the Applicant had not provided sufficient evidence to support his claims. The Tribunal also found that the Applicant had not provided sufficient evidence to support his claim of gross negligence.

29. On 1 January 2016 the Tribunal issued its decision on the Applicant's appeal. The Tribunal found that the Applicant had not provided sufficient evidence to support his claims.

30. The Applicant's appeal is dismissed.

Gross negligence in the submission of false and fraudulent quotations for procurement

a. The facts in support of the first ground for dismissal (a) (not been established as the contested decision relies upon witnesses, statements that are not signed) are as follows: On 21st February 2015 the Applicant submitted a document and is neither dated nor signed by the Applicant (an anonymous email) and the Applicant's admission of the Note for the Award sent by the Applicant to the Tribunal on 10 July 2015 (the email) is the contested decision also contains unsupported allegations in respect of the Applicant's standing on procurement matters.

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Proportionality of sanction

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Procedural irregularities in the conduct of the investigation

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and amounts to gross negligence and constitutes misconduct pursuant to
section 1.4(d) of C-2HD/2012/0056

Irregularities and abuse of authority in the handling of petty cash

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Case No. UNDT/GVA/2015/140

Judgment No. UNDT/2016/017

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Case No. UNDT/GVA/2015/140

Judgment No. UNDT/2016/017

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Case No. UNDT/GVA/2015/140

Judgment No. UNDT/2016/017

62. The Tribunal finds that the fact that the respondent admitted to the issuance of the A# and committed misconduct pursuant to section 1.1 of C-2/HD/2012/005 is not a bar.

63. As to the Tribunal's finding that the A# also used the

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fair and reasonable in the present case to award compensation in the amount of \$100,000 (one hundred thousand dollars) based on the amount of the net loss sustained on the date of the termination of the employment (i.e.) on 6 August 2015.

77. Turning to the applicant's request to have the award of reasonable compensation as ordered by the UNDT (see paragraph 3) be varied pursuant to article 10.5/4 of the Statute, the award of compensation to the applicant suffered as a result of the contested decision is not to be varied in the present case.

Case No. UNDT/GVA/2015/140

Judgment No. UNDT/2016/017