

Introduction

1. The Applicant contests the termination of his fixed-term appointment with

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16. On 21 August 2014, the Applicant filed a written statement on a formal statement.

17. On 27 August 2010, the Human Rights Council (UNV) issued a decision on the appeal of the Applicant against the decision of the Human Rights Committee (APD) dated 16 December 2018. The Applicant argued that the decision of the Human Rights Committee and the Human Rights Council (APD) found the allegations to be substantiated in the case of the Applicant as one of serious misconduct as defined in the Code of Conduct for UNVs and in violation of the Conditions of Service for UNVs 2007. Based on APD's recommendations, the Human Rights Council concluded that summary dismissal would have been the appropriate sanction in the circumstances to have taken had the Applicant been serving as a UN Volunteer.

18. On the same date, the Human Rights Council (UNV) sent a letter to the Applicant concerning these conclusions.

19. On 10 June 2010, the Assistant Secretary-General for Human Resources Management (AIG/DC1), referred the matter to the AIG/4.2.3 (Recommendation of the Administrator on the basis of facts ante) to his attention with UNA (A). The Secretary-General included the letter of 27 August 2010 to DC1 and the Human Rights Council's decision.

20. On 22 September 2010, the AIG/4.2.3 (set out the Secretary-General's findings regarding the allegations of misconduct and informed the Applicant that his resignation would be accepted in order to satisfy facts ante) to his attention. The Secretary-General stated that he did not submit his resignation. On 4 October 2010, the Secretary-General stated that he did not submit his resignation against VCA and stating that the conclusions of VCA and UNV were flawed. A further assessment of his resignation and evaluation on the basis of the findings of the Human Rights Council, he did not provide an effective remedy or compensation. The Applicant argued that he did not consent to the Human Rights Council's findings at his hearing and that he should be reinstated to his position.

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Parties' submissions

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the same standard of proof as in the previous cases. The Tribunal found that the evidence submitted by the complainant was not sufficient to establish that the respondent had acted in a discriminatory manner. The Tribunal also found that the respondent's actions were not in violation of the relevant provisions of the Staff Regulations. The Tribunal therefore dismissed the appeal.

Case No. UNDT/GVA/2016/024

Judgment No. UNDT/2017/021

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86. The Applicant states that the Administration's decision to examine the information received from a former and related manager and to provide the staff members with an adequate opportunity to comment on the information received and to adduce any further evidence in support of its findings.

87. The Tribunal notes that the respondent has produced the documents transmitted to UNV to DC1. This material includes information and exchanges both before and after 18 December 2018 and a number of the Applicant's emails to V&: highlighting the findings in its decision.

88. The letter dated 22 April 2010 from the AIG/423 (set out the facts as stated to DC1 and informed the Applicant that it would lead to the termination of his appointment for acts contrary to his appointment and violating the legal basis for his. He gave the Applicant an opportunity to comment. The Applicant provided a response to the letter dated 4 April 2010. Two weeks later he made no representations of substance nor did he provide fresh evidence that would have caused the Administration to reconsider its decision of appointment to terminate his appointment.

89. The Tribunal finds that the Applicant was treated in an arbitrary manner without due process rights in the decision.

Evidence supporting the factual findings on the Applicant's involvement in fraud

90. The Applicant's evidence as to the standard of proof applicable in cases related to acts contrary to his appointment. The respondent submits that the test of the standard of proof applicable is the balance of probabilities and the Applicant submits that the applicable standard for termination of his appointment should be the high standard of proof applicable to the Applicant's case. The Tribunal is of the view that the standard of proof applicable is the balance of probabilities and the respondent's submission that the standard of proof applicable is the high standard of proof applicable to the Applicant's case is not supported by the evidence.

41. This is not a direct finding of fact, but one concerning the interpretation of the facts ante. Accordingly, in the absence of a clear

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