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## **Introduction**

1. By Order No. 060 (NY/2023) dated 25 July 2023, the Tribunal ordered (a) the parties to file a jointly-signed statement setting out the agreed and disputed facts and (b) the parties to file individual submissions on the need for additional written and/or oral evidence.

2. On 26 September 2023, as per Order No. 060 (NY/2023), the parties filed the jointly-signed statement. Also, the Respondent filed a submission wherein he argued that no further evidence was necessary as the case was fully briefed, adding that if a hearing, nevertheless, was to be held, he requested BB and CC to be heard as witnesses. The Applicant filed a number of additional documents but made no submissions regarding the need for a hearing.

## **Consideration**

### *The need for a hearing*

3. With reference to Order No. 060 (NY/2023), the Tribunal recalls that if the

amounted to misconduct, whether the sanction was proportional, and whether due process was accorded) are legal rather than factual determinations.

5. The factual background of the contested decision is set out in the sanction letter dated 19 July 2022 where it is alleged that the Applicant:

a. [BB] that [AA] was the best option for the position of IC [Individual Contractor] with FTS [Field Technology Service], despite knowledge that [the Applicant] and [AA] were in or had been in a relationship, on the basis of assurances that [he] and [AA] could be objective and professional and because, in any case, since [BB] was leaving the mission, he had informally delegated responsibility for the recruiting process to [the Applicant]

b. [AA] as an IC with FTS, even though [the Applicant]

c. [AA] as a Trygin employee to [CC], while failing to disclose [ ] relationship with [AA] or her lack of English, and despite the fact that she would remain part of [his] reporting line ;

d. Acted as direct supervisor, while [AA] was working as IC-FTS/UNVMC [United Nations Verification Mission in Colombia] and as Trygin employee, despite the fact that [he was] in a relationship [with her] .

6. As a mitigating factor, the USG/DMSPC

aggravating factors, it is stated that the USG/DMSPC considered the following:

a. The Applicant unremorseful and refused to acknowledge any fault on [his] part regarding the creation and maintenance of a conflict of interest affecting the interests of the Organization ;





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Order No. 102 (NY/2023)

15. Upon receipt of the above-referred submissions, the Tribunal will issue the relevant instructions for further case management.

*(Signed)*

Judge Joelle Adda

Dated this 10<sup>th</sup> day of October 2023

Entered in the Register on this 10<sup>th</sup> day of October 2023

*(Signed)*