Introduction

1.   ! a""#$%at$on f$#ed on 5 &a'%(2014 and 'eg$ste'ed unde' Case No. UNDT/GVA/2014/006) t(e A""#$%ant %ontests t(e de%$ss$on to ta*e no fu't(e' a%t$on) afte' $n+est$gat$on) on (e' %om"#a$nt aga$nst (e' su"e'+$so' fo' "'o($,$ted %ondu%t unde' -e%'eta'!.Gene'a#/s ,u##et$n -T/-G /2000/5 1P'o($,$t$on of d$s%'$mnaton) (a'assment $n%#ud$ng se2ua# (a'assment) and a,use of aut(o'$t!3.

Facts

2.   T(e A""#$%ant 4o$ned t(e 5'gan$6at$on $n 1707. -(e %u''ent#! se'+es as Te2t P'o%ess$ng C#e'*) 8uss$an Te2t P'o%ess$ng Un$t 198TPU:3) ;anguages -e'+$%e 19;-:3) D$+$s$on of Confe'en%e &anagement 19DC&:3) Un$ted Nat$ons 5ff$%e at Gene+a 19UN5G:3.

<.   5n 6 June 2012) t(e A""#$%ant su,m$tted to t(e t(en D$'e%to'.Gene'a# UN5G) a %om"#a$nt a##eg$ng t(at t(e C($ef) 8TPU) (ad engaged $n (a'assment and a,use of "o=e') (ad fa#s$f$ed t(e off$%$a# "'odu%t$+$t! 'e%o'ds of t(e 8TPU and man$"u#ated t(e data,ase to ente' fa#se $nfo'mat$on.

4.   >o##o=$ng t($s %om"#a$nt) t(e C($ef) 8TPU) su,m$tted a %om"#a$nt to t(e D$'e%to'.Gene'a# aga$nst t(e A""#$%ant a##eg$ng t(at s(e (ad fo'mu#ated unsu,stant$ated a%%usat$ons.

5.   5n 16 No+em,e' 2012) a fa%t.fndng "ane# 19t(e Pane#:3 =as a""o$nted to $n+est$gate ,ot(%om"#a$nts. T(e Pane# (anded $ts 'e"o't on 11 5%to,e' 201<.

6.   ! memo'andum dated 12 >e,'ua'! 2014) t(e A%t$ng D$'e%to'.Gene'a# UN5G) $nfo'med t(e A""#$%ant t(at) afte' 'e+$e= of t(e Pane#/s 'e"o't) (e (ad de%$ded to %#ose t(e %ase =$t('es"e%t to (e' %om"#a$nt) =$t(no a%t$on to ,e ta*en on t(e g'ounds t(at t(e Pane# 9d$d not f$nd e+$den%e to su""o't t(e a##egat$ons of (a'assment and a,use of aut(o'$t!:.

7.   T(e A""#$%ant f$#ed t(e "'esent a""#$%at$on on 5 &a'%(2014.

Consideration

0.   T(e T'$‚una# o‚se'+es t(at t(e a""#$%at$on does not $n%#ude) no' does $t at #east ment$on) a 'e?uest fo' management e+a#uat$on.

7.   T(e 'e?u$'ement of management e+a#uat$on $s set out $n staff 'u#e 11.2⁰

> 1a3   A staff mem‚e' =$s($ng to fo'ma##! %ontest an adm$n$st'at$+e de%$s$on a##eg$ng non.%om"#$an%e =$t(($s o' (e' %ont'a%t of em"#o!ment o' te'ms of a""o$ntment) $n%#ud$ng a## "e't$nent 'egu#at$ons and 'u#es "u'suant to staff 'egu#at$on 11.1 1a3) shall, as a first step, submit to the Secretary-General in writing a request for a management evaluation of the administrative decision. 1em"(as$s added3

> 1‚3   A staff mem‚e' =$s($ng to fo'ma##! %ontest an adm$n$st'at$+e de%$s$on ta*en "u'suant to ad+$%e o‚ta$ned f'om te%(n$%a# ‚od$es) as dete'm$ned ‚! t(e -e'eta'!.Gene'a#) o' of a de%$s$on ta*en at Aead?ua'te's $n Ne= Bo'* to $m"ose a d$s%$"#$na'! o' non.d$s%$"#$na'! measu'e "u'suant to staff 'u#e 10.2 fo##o=$ng t(e %om"#et$on of a d$s%$"#$na'! "'o%ess $s not 'e?u$'ed to 'e?uest a management e+a#uat$on.

> 1%3   A 'e?uest fo' a management e+a#uat$on s(a## not ‚e 'e%e$+a‚#e ‚! t(e -e%'eta'!.Gene'a# un#ess $t $s sent =$t($n 60 %a#enda' da!s f'om t(e date on =($%(t(e staff mem‚e' 'e%e$+ed

12.   Et $s suff$%$ent#! %#ea' f'om t(e a""#$%at$on and $ts su""o't$ng do%uments t(at =(at t(e A""#$%ant $ntends to %(a##enge $s t(e %#osu'e of (e' %ase %on%e'n$ng a##egat$ons of (a'assment and a,use of "o=e' =$t(out fu't(e' a%t$on) as %ommun$%ated to (e' ,! memo'andum dated 12 >e,'ua'! 2014. T($s de%$s$on o,+$ous#! does not fa## unde' an! of t(e t=o %atego'$es of de%$s$ons fo' =($%(a management e+a#uat$on $s not 'e?u$'ed unde' staff 'u#e 11.2 1,3) to =$t) de%$s$ons ta*en "u'suant to ad+$%e f'om te%(n$%a# ,od$es and t(e $m"os$t$on of measu'es "u'suant to staff 'u#e 10.2 fo##o=$ng a d$s%$"#$na'! "'o%ess.

1<.   T(e'efo'e) $n t(e a,sen%e of a management e+a#uat$on 'e?uest) t(e T'$,una# %annot ,ut 'e4e%t t(e "'esent a""#$%at$on as $''e%e$+a,#e.

14.   T(e $ssue d$s%ussed a,o+e $s a matte' of #a= =($%(ma! ,e ad4uo

Conclusion

16.   En +$e= of t(e fo'ego$ng) t(e T'$, una# DFCEDF-@

T(e a" "#$%at$on $s 'e4e%ted.

1Signed3

Judge T(omas ;a*e'

Dated t($s 11$^{t(}$ da! of &a'%(2014

Fnte'ed $n t(e 8eg$ste' on t($s 11$^{t(}$ da! of &a'%(2014

1Signed3

8enG &. Va'gas &.) 8eg$st'a') Gene+a