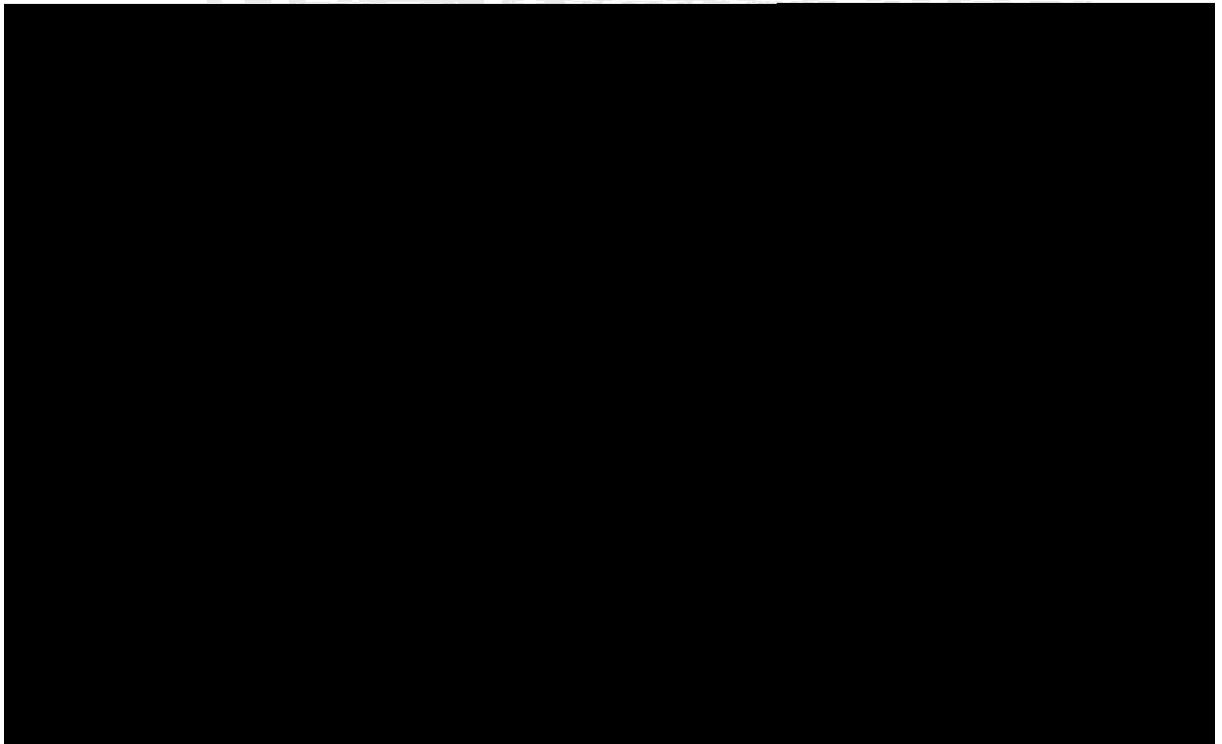




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THE UNITED NATIONS APPEALS TRIBUNAL



JUDGE JOHN MURPHY, PRESIDING .

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Applicant v.

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58. On 31 May 2017, the UNDT issued its Judgment, now under appeal by both parties. The UNDT determined that Ms. Aghadiuno’s due process rights had been respected throughout the disciplinary process leading to her dismissal. After the OIOS investigation, Ms. Aghadiuno was properly notified of the allegations of misconduct and was given a full opportunity to respond.

59. The UNDT determined that the Administration had failed to meet the burden of clear and convincing evidence to substantiate its charges against Ms. Aghadiuno regarding the SEG claims in respect of St. Florence, as Ms. Aghadiuno had provided the information and the supporting documents in P.41 forms without alteration. Any misrepresentation or false impression about St. Florence being a brick and mortar school gained from the P.41 forms and supporting documents could not be attributed to any actions or omissions of Ms. Aghadiuno. The UNDT was influenced in its finding by the fact that it is permissible to obtain a SEG for home-based schooling, and that the P.41 form is generic in nature and not adapted to a SEG for home-based schooling.

60. The UNDT did not deal, in its Judgment, with the fact that Ms. Aghadiuno had not, during the investigation, been able to provide proof of payment of the fees to St. Florence. It merely “noted” that “the Applicant filed evidence of payments”.⁶ Ms. Noni testified that her fee was USD 17,000 a year and the record includes various documents apparently taken from the school ledger. The matter was not canvassed meaningfully in the evidence of Ms. Aghadiuno and no other witness testified in relation to the issue. Nor did the UNDT, in its Judgment, address or

Ms. Aghadiuno (press) 443 alt) Tu-3.1069-17822 TD-.0145 Tc.0021 Tw[(St. Florence had classrooms, multiple) 5.4 teachers, a therapist. disowned the issue ut

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Ms. Aghadiuno's Cross-Appeal

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THE UNITED NATIONS APPEALS TRIBUNAL

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