

Judgment No. 2019-UNAT-952

- B) Is there any evidence that the Appellant's termination was motivated by prejudice or by any other extraneous factor with regard to the implemented and executed [ERP/VSP]?
- C) Is there any evidence that the Appellant's termination was motivated by prejudice or by any other extraneous factor with regard to the fact that the Appellant provided information to the WMO President in February 2018?

9. After deliberations, the JAB came to the unanimous decision that the available documentation had not provided evidence, on any of the above-mentioned three points, which would allow a finding that the termination of the appointment of Mr. Rolli was motivated by prejudice or extraneous factors.

10. The JAB however found that: (i) Mr. Rolli approached the AC to discuss his disagreement with the Secretary-General of the WMO and thereby violated the WMO Code of Ethics; (ii) the implementation of the ERP/VSP entailed *ex gratia* payments without prior approvals which violated the WMO Financial Rules and Regulations; and (iii) Mr. Rolli had provided the President with inaccurate information on the ERP/VSP implementation.

11. The JAB unanimously recommended the Secretary-General of the WMO to maintain his initial decision.

12. On 14 February 2019, the Secretary-General of the WMO accepted the recommendation of the JAB and issued his final decision upholding his earlier decision to summarily dismiss Mr. Rolli.

13. On 15 April 2019, Mr. Rolli filed an appeal before the Appeals Tribunal in terms of the agreement between the United Nations and the WMO concluded on 18 July 2017 (WMO agreement). The WMO agreement is one contemplated in Article 2(10) of the Statute of this Tribunal which confers jurisdiction on the Appeals Tribunal to hear and pass judgment on an application filed against a specialized agency in terms of a special agreement concluded by the specialized agency with the United Nations accepting the terms of the jurisdiction of the Appeals Tribunal.

14. The Secretary-General of the WMO filed his answer to the appeal on 8 July 2019.

The Secretary-General of the WMO's Answer

21.

26. This case is an application in terms of Article 2(10) of the Statute of the Appeals Tribunal which reads:

The Appeals Tribunal shall be competent to hear and pass judgement on an application filed against a specialized agency brought into relationship with the

34.25 Did all members of the Executive Management prior to the internal audit believe

34.36 The JAB should make a substantiated finding regarding Mr. Rolli's allegation that his termination was imposed by the Secretary-General of the WMO for improper reasons and as an act of retaliation fo

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35. The case is remanded to the JAB of the WMO in terms of Article 2(3) and Article 2(4)(b) of the Statute of the Appeals Tribunal for reconsideration in accordance with the directions in paragraphs 33 and 34 of this Judgment.

Original and Authoritative Version: English

Dated this 25th day of October 2019 in New York, United States.

(Signed)

Judge Murphy, Presiding

(Signed)

Judge Halfeld

(Signed)

Judge Sandhu

Entered in the Register on this 20th day of December 2019 in New York, United States.

(Signed)

Weicheng Lin, Registrar