



## Introduction

1. The Applicant filed on 5 & a' ( 2014 and 'eg'ste'ed unde' Case No. UNDT/GVA/2014/006) t(e A ""#\$%ant %ontests t(e de%\$\$son to ta\*e no fu't(e' a%tson) 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%'\$m\$nat\$on) (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#\$f\$ed t(e off\$%Sa# ""'odu%t\$+\$t! 'e'o'ods 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%.f\$nd\$ng "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. The Tribunal, upon the request of the applicant, does not consider that the administrative decision is manifestly unreasonable.

7. The review of the management evaluation of the staff member 11.2

1.3 A staff member, upon the request of the applicant, contests an administrative decision taken in accordance with the terms of the administrative decision and the provisions of article 11.1.3 shall, as a first step, submit to the Secretary-General in writing a request for a management evaluation of the administrative decision. (as added)

1.3 A staff member, upon the request of the applicant, contests an administrative decision taken in accordance with the terms of a decision taken at the request of the Secretary-General to measure the performance of a staff member in accordance with the provisions of article 10.2 of the Staff Regulations. The applicant does not request a management evaluation.

1.3 A request for a management evaluation is not, in itself, a request for a review of the administrative decision. The applicant must submit a request for a review of the administrative decision within the time limit provided for in article 60 of the Staff Regulations.

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' =st(out fu't(e' a%t\$on) as %ommun\$ated to (e' ,! memo'andum dated 12 >e,'ua'! 2014. T(\$s de%\$\$son o,+sout#! does not fa## unde' an! of t(e t=o %atego'\$es of de%\$\$sons fo' =( \$( a management e+a#uat\$on \$s not 'e?u\$'ed unde' staff 'u#e 11.2 1,3) to =st) de%\$\$sons ta\*en "u'suant to ad+\$e f'om te%(n\$a# ,od\$es and t(e \$m"ost\$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.

ISigned3

Judge T(omas ;a\*e'

Dated t(\$s 11<sup>th</sup> da! of &a'%( 2014

Fnte'ed \$n t(e 8eg\$ste' on t(\$s 11<sup>th</sup> da! of &a'%( 2014

ISigned3

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