

Introduction

1. The Applicant contests the termination of his fixed-term appointment with

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16. On 21 August 2014, the Applicant filed a request for the appointment of a representative of the United Nations (UNA) as an independent expert, on a full-time basis.

17. On 27 August 2010, the Human Rights Council (HRC) adopted a resolution (A/HRC/16/L.1) on the appointment of a representative of the United Nations (UNA) as an independent expert, on a full-time basis. The resolution was adopted by a vote of 18 to 1, with 1 abstention. The resolution requested the Secretary-General to appoint a representative of the United Nations (UNA) as an independent expert, on a full-time basis, to monitor and report on the situation of human rights in the Democratic Republic of Congo (DRC). The resolution also requested the Secretary-General to report to the Human Rights Council on the progress made in the implementation of the resolution. The resolution was adopted on 27 August 2010. The resolution was adopted by a vote of 18 to 1, with 1 abstention. The resolution requested the Secretary-General to appoint a representative of the United Nations (UNA) as an independent expert, on a full-time basis, to monitor and report on the situation of human rights in the Democratic Republic of Congo (DRC). The resolution also requested the Secretary-General to report to the Human Rights Council on the progress made in the implementation of the resolution.

18. On the same day, the Human Rights Council (HRC) adopted a resolution (A/HRC/16/L.2) on the appointment of a representative of the United Nations (UNA) as an independent expert, on a full-time basis. The resolution was adopted by a vote of 18 to 1, with 1 abstention. The resolution requested the Secretary-General to appoint a representative of the United Nations (UNA) as an independent expert, on a full-time basis, to monitor and report on the situation of human rights in the Democratic Republic of Congo (DRC). The resolution also requested the Secretary-General to report to the Human Rights Council on the progress made in the implementation of the resolution.

19. On 10 June 2010, the Assistant Secretary-General for Human Rights (ASGHR) issued a memorandum (A/11G/DC1) on the appointment of a representative of the United Nations (UNA) as an independent expert, on a full-time basis. The memorandum requested the Secretary-General to appoint a representative of the United Nations (UNA) as an independent expert, on a full-time basis, to monitor and report on the situation of human rights in the Democratic Republic of Congo (DRC). The memorandum also requested the Secretary-General to report to the Human Rights Council on the progress made in the implementation of the resolution.

20. On 22 June 2010, the Assistant Secretary-General for Human Rights (ASGHR) issued a memorandum (A/11G/4.2.3) on the appointment of a representative of the United Nations (UNA) as an independent expert, on a full-time basis. The memorandum requested the Secretary-General to appoint a representative of the United Nations (UNA) as an independent expert, on a full-time basis, to monitor and report on the situation of human rights in the Democratic Republic of Congo (DRC). The memorandum also requested the Secretary-General to report to the Human Rights Council on the progress made in the implementation of the resolution. The memorandum requested the Secretary-General to appoint a representative of the United Nations (UNA) as an independent expert, on a full-time basis, to monitor and report on the situation of human rights in the Democratic Republic of Congo (DRC). The memorandum also requested the Secretary-General to report to the Human Rights Council on the progress made in the implementation of the resolution.

21. On 1 December 2010, the Applicant's letter dated 1 December 2010 referred to the Applicant's oral statement to the AIG/423 (informing the Applicant of the decision to terminate his appointment pursuant to staff regulation D.8(a), and staff rule D.6), for facts ante to his appointment. He had been notified at the time he would have included his appointment in the submission of medical insurance amounts containing false information. The Applicant was informed that the decision was to take effect on 2 January 2016.

22. On 20 December 2010, the Applicant requested management evaluation of the termination of his appointment.

28. On 11 April 2016, this action was filed. The respondent filed on 18 May 2016. A case management discussion took place on 14 October 2017.

Parties' submissions

24. The Applicant's main contentions are:

a. The contested decision is based on V&S investigation report which suffered from a number of deficiencies. In addition, it was issued before the investigation steps had been conducted. In response to the Applicant's comments that the respondent did not follow out some medical education

... The submitted insurance statement was not valid and the respondent was not entitled to state that the treatment he received was "impossible" or "impossible" or "unreasonable". The respondent's statement had a self-address and the respondent's behavior has been found to be in violation of the treatment. The respondent was a failure of administration of the treatments as well as

the same standard of proof as in the previous cases. The Tribunal found that the evidence presented by the complainant was not sufficient to establish that the respondent had acted in a discriminatory manner. The Tribunal also found that the respondent's actions were not in violation of the Convention. The Tribunal therefore dismissed the complaint.

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86. The Applicant's submission states that the Administration's decision to examine the information provided in a fax and to order the staff member to attend a meeting to comment on the information provided and to adduce any further information is unfair.

87. The Tribunal notes that the respondent has produced the documents transmitted to UNV to DC1. This material includes information and exchanges of correspondence dated 18 December 2018 and a fax to the Applicant's email to V: highlighting the findings in its report.

88. The letter dated 22 February 2010 from the AIG/423 (set out the facts as reported to DC1 and informed the Applicant that it would lead to the termination of his appointment for acts contrary to his appointment and that the legal basis for this. He gave the Applicant an opportunity to comment. The Applicant submitted a response to the letter dated 4 February 2010. Two weeks later he made no representations of substance nor did he provide fresh evidence that would have caused the Administration to reconsider its decision of appointment to terminate his appointment.

89. The Tribunal finds that the Applicant was treated in a discriminatory manner in the education facilities and that his due process rights were violated.

Evidence supporting the factual findings on the Applicant's involvement in fraud

40. The Tribunal agrees as to the standard of proof applicable in cases related to facts contrary to the respondent's submission that the test of the balance of probabilities applies and the Applicant's submission that the applicable standard for termination is a question of misconduct should apply. The Applicant's submission that the standard of proof for termination is a question of misconduct should apply to the Applicant's Tribunal's assessment of the facts and conclusions regarding the Applicant's involvement in fraud.

41. This is not a direct finding of fact, but one concerning the interpretation of facts and the law. In the absence of a clear

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