

Introduction

1. On 28 July 2017, the Applicant, an Administrative Assistant at the G-6 level with the United Nations Mission in Colombia (“UNMC”), filed an application under art. 2.2 of the Dispute Tribunal’s Statute and art. 13 of its Rules of Procedure seeking to suspend the decision, pending management evaluation, to terminate her fixed-term appointment. The Applicant alleges that the decision was based on erroneous information from the United Nations Office on Drugs and Crime (“UNODC”) regarding the termination of her service contract with the latter Organization in 2013.

2. On 28 July 2017, the Registry acknowledged receipt of the application and, as directed by the assigned Judge, instructed

agreed to adhere to upon signing the service contract. You also contravened rule 101.2 of the Financial Regulations and Rules of the United Nations, which states that: “All United Nations staff are obligated to comply with the Financial Regulations and Rules and with administrative instructions issued in connection with those Regulations and Rules. Any staff member who contravenes the Financial Regulations and Rules or corresponding administrative instructions may be held personally accountable and financially liable for his or her actions”, and may be subject to disciplinary measures, including but not limited to contract termination.

...

6. Effective from 12 September 2016, the Applicant was employed as a staff member with the UNMC in her current position on a one-year fixed-term contract. In the Applicant’s letter of appointment was, *inter alia*, stated as follows

This appointment is offered on the basis, *inter alia*, of your certification of the accuracy of the information provided by you on the personal history profile. By accepting this you he

11. By letter dated 5 April 2017, the Applicant provided her comments to the Chief of Human Resources Policy Services' interoffice memorandum dated 9 March 2017 in which she, *inter alia*, stated that:

[...] seeing that I was ruining my life because I lost many Job opportunities to leave it in my curriculum I decided to remove it, because in human talent they said the worst of me and I did not obtain work, ruined me and so I decided to remove it to be able to get ahead, to obtain work in a more stable, TMK was an option. Alternating that I had for services contract not very well paid but it was my support while I managed to emerge, I take this paragraph to offer my most sincere excuses to the United Nations for having omitted the UNODC labor reference, I know that it fails to the norm by omitting information. And I am very sorry but if it had not been so in the past and now I would not have been able to work again, as you say in your memo; They would not have hired me, without even giving me the opportunity to explain what happened, so thank you for this moment because at last I can do it.

12. By letter dated 28 June 2017, received on 5 July 2017, from the Acting Assistant Secretary-General of the Office of Human Resources, the Applicant was informed that her appointment with UNMC was terminated. As background for the termination decision, the Acting Assistant Secretary-General stated that:

...

The Acting Under-Secretary-General for Management has reviewed the matter, including your comments, and has decided that, had it been known at the time of your appointment that your service contract with UNODC had been terminated for cause ... this fact would have precluded your appointment with the United Nations ...

[T]he Tm[(l)-6(T)]-5(he)]her Management [(73.33 4t)-ETBT/F1 12 Tf1 0 0T]/F1 12 Tf1 0 0T]/F1 1

The termination of your appointment is an administrative decision that falls within the discretionary power of the Secretary-General and the delegated authority of the Acting Under-Secretary-General for Management and is not disciplinary in nature.

17.

circumstances order the suspension of a contested administrative decision for a period beyond the date on which the management evaluation is completed. In this particular instance,

...

Rule 9.6
Termination
Reasons for termination

Case No. UNDT/NY/2017/076

Order No. 154 (NY/2017)

