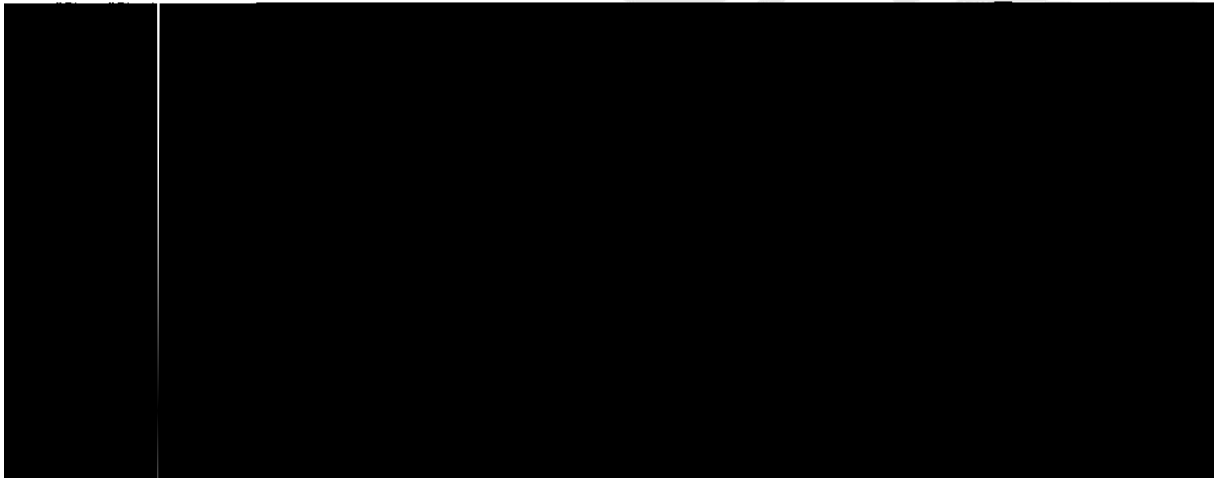




Judgment No. 2014-UNAT-398



Counsel for Appellant: Miles Hastie

Counsel for Respondent: Amy Wood



Seatrans was the clearing and forwarding (C&F) agent for WFP contracted to clear WFP's cargo at Freeport.

7. The Country Director informed WFP's Office of Inspections and Investigations (OSDI) of the loss of nine containers and requested OSDI's assistance. From 23 April to 6 May 2009, OSDI conducted a field investigation in Monrovia.

8. On 30 November 2009, OSDI issued an Investigation Report. Its description of the operations procedures for the receipt and handling of WFP containerized cargo at Freeport is as follows.

9. WFP Logistics staff and WFP warehouses are located within the Freeport. At the time of the investigations, Mr. Kamara was a Logistics Assistant reporting directly to Mr. Musa, Head of Logistics. He was responsible for discharging and handling WFP containers.

10. Prior to the arrival of any shipment, the WFP Shipping Unit would receive first a shipping

NPA Park or WFP upon receipt of its cargo at the WFP warehouse. “I just present the Bill of Charges which lists the containers and I collect the containers.”

13. The WFP containers would then be moved from the NPA Park to the WFP warehouse, approximately 200 meters from each other.

14.

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maintains that the documentation that Mr. Weah had only permitted movement of cargo from the NPA Park to the WFP warehouse, but did not allow the cargo to exit the Freeport through its single gate, for which a gate pass was needed. There is no clear evidence showing that the WFP containers were stolen from the WFP warehouse, or while en route to the WFP warehouse, and there is no document by which he assumed

which the disciplinary measure was based were properly established, the established facts legally amounted to misconduct, i.e. gross negligence, the disciplinary measure of separation from service was proportionate to the offence, and his rights to due process were respected.

27. The Secretary-General also submits that Mr. Kamara has failed to substantiate his allegations that the Dispute Tribunal applied an erroneous disciplinary standard in his case or made erroneous fact findings. He notes that Mr. Kamara admitted in writing that his conduct amounted to “gross negligence”. The Secretary-General is of the view that the Dispute Tribunal correctly found that Mr. Kamara was grossly negligent in allowing Mr. Weah to retain custody of

32. The first-instance Court established that the staff member failed to exercise the standard of care that a reasonable person would have followed with regard to a foreseeable risk, characterized the failure as serious amountin



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