

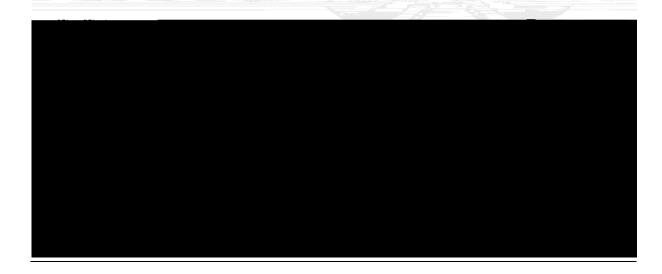
UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Portillo Moya
(Respondent/Applicant)

٧.

Secretary-General of the United Nations
(Appellant/Respondent)

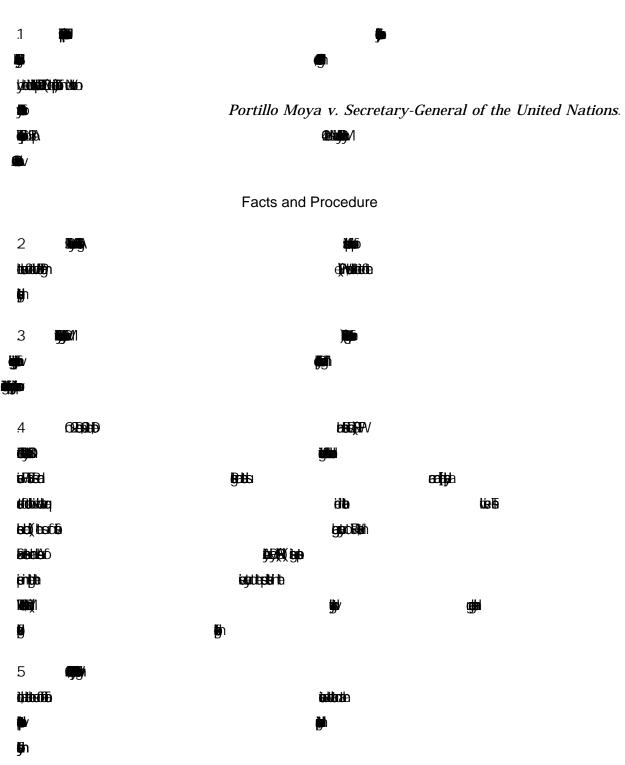
JUDGMENT

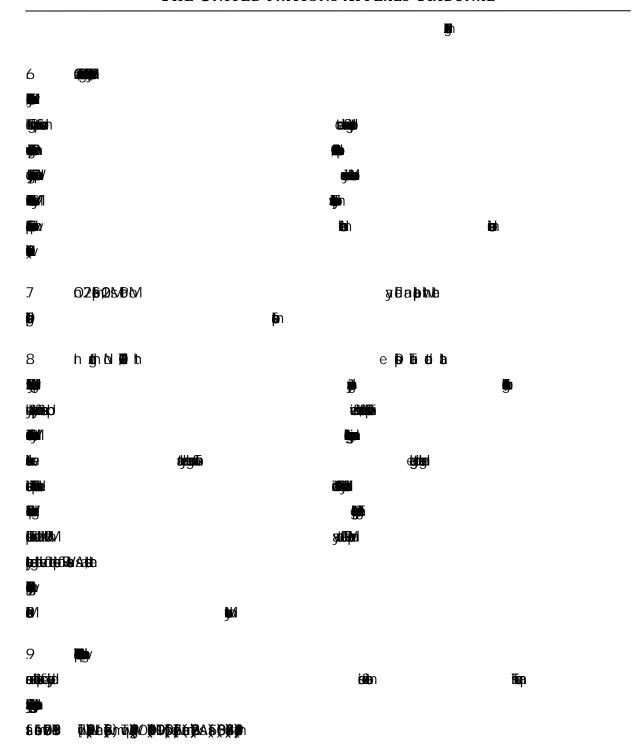


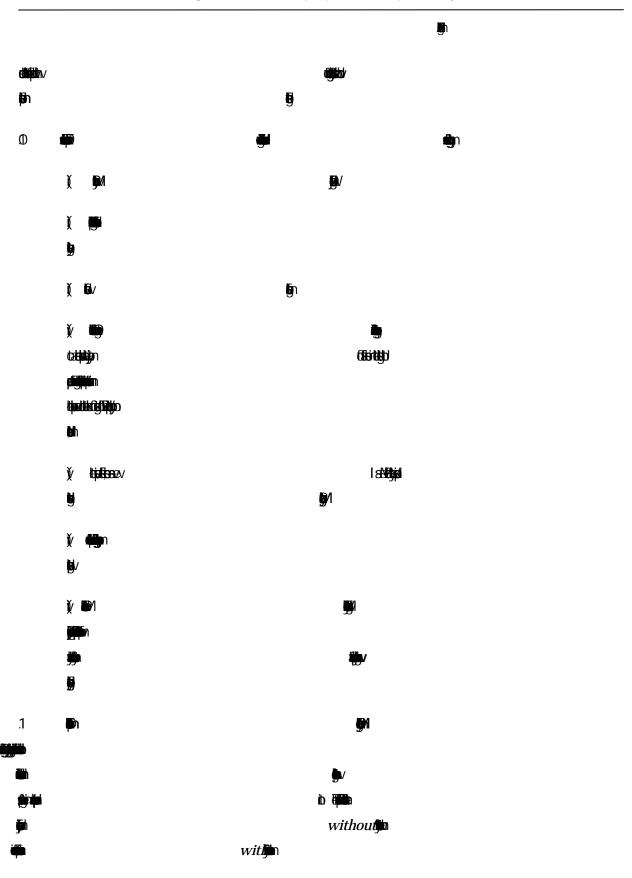
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JUDGE LUIS MARÍA SIMÓN, PRESIDING.





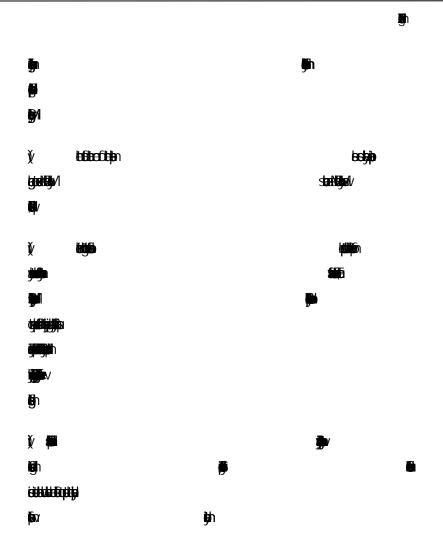


Judgment No. 2015-UNAT-523

Submissions

The Secretary-General's Appeal

12. The Dispute Tribunal erred in law in concluding that the imposed disciplinary sanction was disproportionate to Ms. Portil lo Moya's serious misconduct and thereby substituting it with a lesser sanction of separation from service with compensation in lieu of notice with termination indemnity. The Administrati on has broad discretion in disciplinary matters and, absent obvious absurdity, proven abuse or arbitrariness, its discretion should not be disturbed. Noting that the Dispute Tribunal agreed that the evidence against Ms. Portillo Moya established serious misconduct and that the sanction of separation was justified, the Dispute Tribunal should not su bstitute its own judgment among the various options available to the Secretary-General such as separation with or without notice and with or without termination indemnity. The Administration's decisi on to separate with compensation in lieu of notice and without termination indemnity was not the most serious sanction available and was reasonable in light of Ms. Portillo Moya's wrongful actions over the years. It was also comparable to othe60dix(a)pli)na7y1.2de3660dix TaDfix(0377 Tc .1074 T2.



Ms. Portillo Moya's Answer



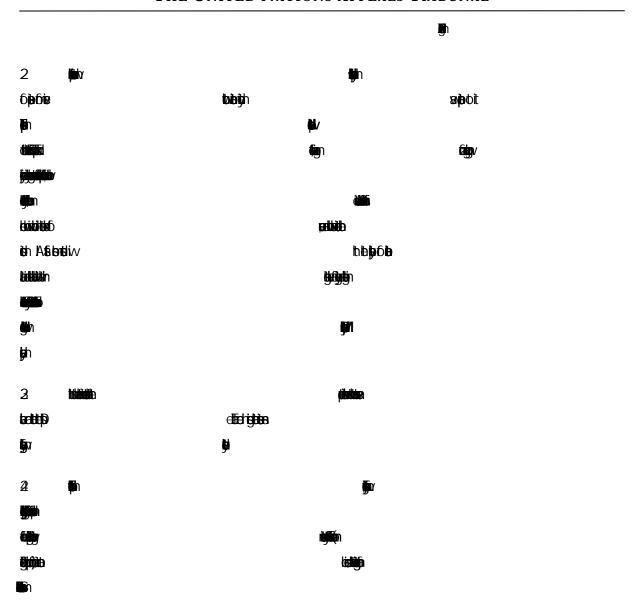
Considerations

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Palestine Refugees in the Near East

THE UNITED NATIONS APPEALS TRIBUNAL



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