

7. By memorandum dated 21 December 2015, the Chief, Human Resources Policy Service, Office of Human Resources Management (OHRM), informed Ms. Jenbere of the allegations of misconduct against her, charging her with failure to disclose her marital relationship with a candidate for a UNV position in the context of a recruitment process while sitting on the interview panel to assess the candidates on their technical proficiency and make recommendations to the hiring manager, resulting in a real or appearance of conflict of interest. Ms. Jenbere provided her comments on the allegations of misconduct on 25 February 2016.

8. On 25 May 2016, Ms. Jenbere filed a duly executed resignation letter “due to [a] health problem” with a one-month notice, with effect from 1 July 2016.¹

9. On 30 May 2016, Ms. Jenbere received a letter from the Under-Secretary-General for Management (USG/DM) informin

Submissions

Ms. Jenbere's Appeal

11. The UNDT Judgment was not fair and "as usual it is just one sided". Ms. Jenbere requests that the Appeals Tribunal review all her comments and post-hearing brief in order to do justice for her.

12. Her husband's forced resignation should have concluded the case at UNOCI. Therefore, Ms. Jenbere was being punished twice when she received the letter of investigation from OIOS.

13. Ms. Jenbere's understanding was that the interview process was a "formality" because the hiring manager had already decided to hire her husband. She did not tell the hiring manager that Mr. Bogale was her husband "for [a] good reason" because she wanted her husband to be recruited based on his technical capability and not because of their relationship and she did not want to influence the hiring manager in her decision-making. There was no misconduct or conflict of interest on the part of the hiring manager.

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21. Ms. Jenbere has failed to show that the Dispute Tribunal erred in rejecting all her other claims. The Dispute Tribunal correctly rejected her additional claims, because she failed to identify a specific administrative decision relating to her resignation or any benefits to which she was allegedly entitled.

22. The Secretary-General requests that the Appeals Tribunal dismiss the present appeal in its entirety.

Considerations

Request for Oral Hearing

23. Ms. Jenbere has requested an oral hearing. Pursuant to Article 8(3) of the Appeals Tribunal Statute, it lies within the prerogative of the judges assigned to a case to decide whether to hold oral proceedings. Article 18(1) of our Rules of Procedure provides that the judges may decide to do so if such hearings would assist in the expeditious and fair disposal of the case. In the present case, an oral hearing would be of no such assistance as the facts and pleadings on record clearly define the issues for decision on appeal.

24. Ms. Jenbere's request for an oral hearing is therefore refused.

The Merits

25. We find that the appeal is entirely without merit. There is overwhelming evidence that the facts supporting the disciplinary measure had been established and that those facts amounted to misconduct.

26. The UNDT found that Ms. Jenbere admitted the main facts material to the allegations of misconduct, namely, that she participated as a subject-matter expert in the interviews of two candidates for the UNV position, one of whom was her husband. Her opinion was required to make a determination on the two candidates' technical proficiency. Ms. Jenbere

technical proficiency of both candidates, stating that her husband had the required technical proficiency. As a result, her husband was selected for the position.³

interfered with her responsibility to act with integrity and impartiality as a member of the hiring panel.

31. We support the following reasoning of the UNDT in rejecting Ms. Jenbere's attempts at exoneration:⁷

Circumstances advanced by [Ms. Jenbere] in arguing legality of her conduct, that her husband was qualified for the job and th

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38. The appeal is dismissed and Judgment No. UNDT/2019/010 is affirmed.

Original and Authoritative Version: English

Dated this 28th day of June 2019 in New York, United States.

(Signed)

Judge Lussick, Presiding

(Signed)

Judge Knierim

(Signed)

Judge Thomas-Felix

Entered in the Register on this 19th day of August 2019 in New York, United States.

(Signed)

Weicheng Lin, Registrar