UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2024/075
Judgment No.: UNDT/2025/055
Date: 20 August 2025
Original: English

Before: Judge Sean Wallace

Registry: Nairobi

Registrar: Wanda L. Carter

LALANDE

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT ON LIABILITY

Counsel for the Applicant:
Héloïse Bajer-Pellet

Counsel for the Respondent:
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Introduction

1. The Applicant served the United Nations Human Settlements Programme ("UN-Habitat") on a fixed-term appointment.

2. He was separated from service of the Organization with compensation *in lieu* of notice and without termination indemnity on 10 September 2024, for harassment *per* sections 1.3 and 1.4 of ST/SGB/2019/8 (Addressing discrimination, harassment, including sexual harassment, and abuse of authority) which was considered serious misconduct in violation of staff regulations 1.2(a) and 1.2(f), and staff rule 1.2(f).

Procedural History

3. On 9 December 2024, the Applicant filed his application challenging the decision to separate him. The Respondent filed his reply to the application on 9 January 2025.

4. On 2 April 2025, the Tribunal held a case management discussion ("CMD") with the parties. The Tribunal granted the Applicant's motion for an oral hearing of this matter.

5. On 24 June 2025, an oral hearing was held at which the Applicant was the sole witness. Additionally, at the parties' request, closing arguments were submitted verbally at the close of the hearing rather than by written submissions thereafter.

Facts and Submissions

6. In 2005, the Applicant joined UN-Habitat as an intern and became a staff member in 2006. From 2012 to 2020, he served as Leader of the Housing Unit and subsequently as Lead Housing Specialist in the Land, Shelter and Housing Section.

7. As Lead Specialist, the Applicant oversaw a team of consultants and interns: during the relevant period RM, LMV, LPV, EK, VN and AM were part of this team.

8. This case centers around the conduct of the Applicant towards his team between February 2019 and February 2020. On numerous occasions over this

period, the Applicant is alleged to have repeatedly made racist, sexist and derogatory remarks towards members of his team (and other colleagues) and yelled at the team.

9. RM wrote to the Applicant on 2 June 2020, six months after leaving his team, to convey his "profound hurt" caused by the Applicant's "actions and behaviour." The email stated that the Applicant "made racist comments and derogatory statements," was "sexist towards all five female interns under [his] supervision," "called women 'bitches'", and "made fun of indigenous people and marginalized communities". Other members of the team also wrote on 3 and 5 June 2020 with feedback on their internship under the Applicant and echoing some of the same concerns.

10. On 21 July 2020, the Applicant's conduct was referred to the Office of Internal Oversight Services (OIOS). OIOS was informed, by multiple complainants, that the Applicant yelled, belittled and made derogatory racist and sexist remarks towards consultants, interns, and women.

11. OIOS investigated the complaints and issued its report on 31 August 2021.

12. Formal allegations of misconduct were issued on by the Office of Human Resources on 28 August 2023. The Applicant responded to these allegations on 13 October 2023.

13. It is the Applicant's case that the Respondent has failed to meet the standard of proof. The Applicant submits that the allegations against him were "coordinated" and that the evidence against him suffers from substantial discrepancies and inconsistencies. The Applicant argues that there are "questions about the overall credibility and foundation" of the allegations in light of the fact that two of the allegations were dropped for lack of clear and convincing evidence. The Applicant further argues that undue delay in the disciplinary process as a whole violated his due process rights, and that the sanction was disproportionate.

14. The Respondent submits that the Applicant has provided no factual or legal arguments to justify rescission of the impugned decision. The record contains

credible accounts by multiple witnesses of the Applicant's conduct; none of the character witnesses proffered by the Applicant can be considered relevant to this inquiry given they were all unaware of the incidents in question.

Considerations

Standard of Review in disciplinary cases

15. According to art. 9.4 of the Tribunal's Statute, in reviewing disciplinary cases, the Dispute Tribunal shall consider the record assembled by the Secretary-General and may admit other evidence to make an assessment on whether the facts on which the disciplinary measure was based have been established by evidence; whether the established facts legally amount to misconduct; whether the Applicant's due process rights were observed; and whether the disciplinary measure imposed was proportionate to the offence.

16. The Statute generally reflects the jurisprudence of the United Nations Appeals Tribunal ("UNAT"), see e.g., *AAC* 2023-UNAT-1370, para. 38; *Mizyed* 2015-UNAT-550, para. 18; *Nyawa* 2020-UNAT-1024.

17. In *Sanwidi* 2010-UNAT-084, para. 40, the Appeals Tribunal clarified that:

> When judging the validity of the Secretary-General's exercise of discretion in administrative matters, the Dispute Tribunal determines if the decision is legal, rational, procedurally correct, and proportionate. The Tribunal can consider whether relevant matters have been ignored, and irrelevant matters considered and also examine whether the decision is absurd or perverse.

18. The Appeals Tribunal, however, underlined that "it is not the role of the Dispute Tribunal to consider the correctness of the choice made by the Secretary-General amongst the various courses of action open to him", or otherwise "substitute its own decision for that of the Secretary-General". *Id.* at para. 40. In this regard, "the Tribunal is not conducting a "merit-based review, but a judicial review", explaining that a "judicial review is more concerned with examining how the decision-maker reached the impugned decision and not the merits of the decision-maker's decision". *Id*. at para. 42.

Have the facts been established by clear and convincing evidence?

19. In disciplinary cases, "when termination is a possible outcome", the Administration must establish the alleged misconduct by "clear and convincing evidence", which "means that the truth of the facts asserted is highly probable." (*Negussie* 2020-UNAT-1033, para. 45) This is the evidentiary standard. UNAT clarified that clear and convincing evidence can either be "direct evidence of events" or may "be of evidential inferences that can be properly drawn from other direct evidence."

20. Regarding the examination of evidence of sexual misconduct, the Dispute Tribunal held in *Hallal* UNDT/2011/046, para. 55, affirmed by the Appeals Tribunal in *Hallal* 2012-UNAT-207, that:

> [I]n sexual harassment cases, credible oral victim testimony alone may be fully sufficient to support a finding of serious misconduct, without further corroboration being required", because "[i]t is not always the situation in sexual harassment cases that corroboration exists in the form of notebook entries, email communications, or other similar documentary evidence, and the absence of such documents should not automatically render a complaining victim's version as being weak or meaningless.

21. In *Hallal*, the Dispute Tribunal also held that "[a]s is always the case, any witness testimony should be evaluated to determine whether it is believable and should be credited as establishing the true facts in a case." *Id.* See also *Mbaigolmem* 2018-UNAT-819, paras 31-32.

22. In the contested decision, the Under-Secretary-General for Management Strategy, Policy and Compliance ("USG/DMSPC") listed the allegations as follows:

> a. Between March 2019 and February 2020, [the Applicant] made racist, racially insensitive, discriminatory and/or inappropriate comments by:
>
> (i) calling RM, former UN-Habitat consultant, "aggressive" and "scary," without any appropriate reason and telling him "Oh are you

angry? Are you going to shoot up the place? You know Americans like shooting up places;"

(ii) describing Black people as "very much militant" and "overly politicized;"

(iii) criticizing and/or ridiculing former UN-Habitat consultant, HZ's English language skills, including by publicly criticizing her written work in English as "terrible" and "illegible," and referring to it as "shit," and making fun of her Chinese accent when she spoke English;

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(v) commenting that the representatives of indigenous peoples, particularly the indigenous peoples from Burundi and the Inuit from Canada, could participate in a roundtable discussion by singing and dancing;

(vi) commenting that as a Mexican, JSV, Programme Management Officer, Housing Unit, UN-Habitat, could dress up "with feathers in [his] hair," "do a little magic" and sing and dance for the Housing Unit; and

(vii) in the context of preparations for a UN-Habitat annual event, the World Urban Forum ("WUF") in which persons with disabilities and older persons would participate, making remarks insensitive to: (a) persons with disabilities such as: "Oh, I wish you put them in the furthest part of the room so they can't have access;" and (b) older persons such as: "Why do we need old people in the room?"

b. Between February 2019 and December 2019, on more than one occasion, [the Applicant] used sexist and/or insulting language in referring to [his] female colleagues, by: (i) using the word "bitch" and the French word "salope" in referring to KS, Programme Management Officer, UN-Habitat; (ii) using the word "bitch" in referring to FL, Programme Manager, UN-Habitat, and KK, a member of UN-Habitat's partner, General Assembly of Partners-Older Person Partner Constituent Group;

c. Between February 2019 and October 2019, on more than one occasion, [the Applicant]: (i) yelled at, belittled, demeaned and/or humiliated UN-Habitat interns, namely, LMV, EK and VN; and (ii) belittled another UN-Habitat intern, LPV's work by telling her that her suggestions were "stupid," and that her work was "shit," thereby

> creating an intimidating, hostile and/or offensive work environment for LMV, EK, VN and LPV; and
>
> d. On 16 May 2019, [the Applicant] yelled at RM in the workplace, and in the presence of representatives of UN Member States and international organizations, which embarrassed him.

23. All of these allegations were supported by evidence on the record, including emails and interviews with the victims and other corroborating witnesses.

24. The Applicant's comments directed towards RM and/or Black people and U.S. citizens were set out in detail by RM and corroborated by GL, VN and AM.

25. The allegations about the Applicant ridiculing HZ's English language skills were established by accounts from RM and LPV.

26. The Applicant's comments about JSV, his Mexican nationality and indigenous peoples were established by AM and RM.

27. AM and RM also established the allegations regarding the Applicant's comments about persons with disabilities and older persons.

28. Numerous people spoke regarding the Applicant referring to female colleagues as "bitches", namely RM, LMV, VN, LPV, AM, and FL. The Applicant himself admitted calling FL a "bitch".

29. Similarly, numerous people established the allegations that the Applicant yelled at, belittled, demeaned and/or humiliated interns: RM, LMV, VN, AK, LPV, EO, and AM. RM's allegation that the Applicant yelled at him is consistent with GL's observations and the Applicant's own comments.

30. The Applicant challenges the validity of this evidence by arguing that the witnesses colluded to make false allegations. However, during his interview the Applicant was asked for any thoughts as to why these people would complain against him, and he responded "I don't know … I honestly don't know … I still don't understand the motives of that." The record also shows no motive for these people to have colluded to make false allegations against him.

31. As evidence of the collusion, he points out that "the negative feedback" about his behaviour was submitted within two weeks of the initial email from RM and copied to the same people - his supervisors and the Human Resources department; that copies were sent to RM; that the feedback and complaints follow the same structure and use some of the same wording; and that three of the complainants were good friends.

32. However, these observations, to the extent that they are accurate, are neither surprising nor do they prove collusion. The complainants all served together as interns in the office so could be expected to have similar experiences and observations about the Applicant and the work environment. It is not noteworthy that three of the complainants used the word "toxic" to describe the general working atmosphere, since "toxic" has become a term of art to describe a bad work environment. Further, the emails do not allege the same incidents but describe similar but different incidents involving the Applicant's conduct.

33. The Tribunal finds it of no particular significance that the emails all came within two weeks of the initial negative complaint. The initial email of 2 June 2020 references, as a catalyst, the racial upheaval in the United States and globally at that time, following the murder of George Floyd by a white police officer. Additionally, one of the Applicant's colleagues, who was also criticised in the initial email, requested feedback from other interns thus generating additional emails.

34. Nor is it surprising that these emails were sent to the same group of recipients - the Applicant's supervisors and the Human Resources office. These are the natural recipients for complaints about a bad work environment.

35. In addition, it is important to note that other witnesses corroborated the complainants' accounts later during the investigation. Thus, the Tribunal finds no evidence of collusion to make false allegations.

36. The Applicant also claims that the witnesses' negative statements were inconsistent with the fact that they signed his birthday card and gave positive comments on their exit reports upon completion of their internships. With regard to

the birthday card, the Tribunal gives no value to that; in an office setting it would be the height of rudeness to refuse to sign a supervisor's birthday card.

37. Similarly, positive comments on exit reports are of little value in impeaching the complainants. One complainant stated that she wrote a positive review after she was asked to modify her initial negative comments. Another said she changed her negative review to a positive one after the Applicant said he would not sign a negative exit report. Indeed, the Applicant admits that he reviewed an initial draft exit report which contained negative comments (that were later changed) and that the interns had "some level of frustration" at the end of their internships. Thus, there is no merit to the claim of inconsistency.

38. The Applicant also argues that the evidence found by the USG/DMSPC was contradicted by his consistent denials (and presumably his own testimony at the hearing). Having listened to his testimony and observed his demeanour, the Tribunal finds the Applicant's testimony to be self-interested, inconsistent, and unpersuasive.

39. As one example, he said that he did not call anyone a "bitch" because that was "not part of [his] character" and the word was "not in [his] vocabulary". However, on cross-examination he conceded that he did use the word "bitch" as a private joke outside of work amongst friends. Similarly, he denied saying that RM was "aggressive" and but admitted in court that RM was aggressive to him.

40. The Applicant also relied on character witnesses to support himself and thus contradict the complainants. However, he admitted that the character witnesses were carefully chosen by him and that he did not ask his First Reporting Officer (FRO) to be a character witness because he knew she would not say that he was a mild-mannered, soft spoken, quiet individual. Again, it is important to note that none of these character witnesses knew about the incidents in question.

41. In sum, the Tribunal finds that the evidence giving rise to the discipline in this case was established by clear and convincing evidence.

Do the established facts amount to misconduct?

42. With respect to whether the evidence amounts to misconduct, the Applicant suggests that "[i]n the absence of clear and convincing evidence, the finding of misconduct should not have been upheld." Of course, as a statement of law, this is correct. However, in this case, the Applicant's premise is invalid since there is clear and convincing evidence of his conduct. Moreover, it is beyond argument that making racist, racially derogatory, discriminatory, sexist, belittling, demeaning, and humiliating comments in the workplace constitutes serious misconduct.

Was the disciplinary sanction proportionate?

43. Similarly, the Applicant argues that with no misconduct being proven, the sanction was inappropriate. For the same reasons as explained above, this premise is also incorrect.

44. The Applicant also argues that he lacked malicious intent. He says that he had no prior warning, that his comments "(if any – *quod non*) occurred primarily during stressful moments, meaning temporary and specific instances," and he was not accused of attempting to conceal the alleged misconduct. This argument is unavailing.

45. The Applicant's argument about the lack of prior warning is curious. Was he expecting to be warned that, to use one example, referring to female colleagues as "bitch" was not appropriate? One would think it self-evident that using such language is derogatory, sexist, and improper. Indeed, when interviewed about this, the Applicant repeatedly said "I don't call people by names like that" and "I never called anyone a bitch." Clearly, no prior warning was needed for the Applicant to be aware that such language is inappropriate.

46. The argument that the Applicant's inappropriate comments occurred primarily during stressful moments is equally inapt. The evidence demonstrates that he made these comments repeatedly and that this was not a single, rare incident.

47. Although there is not a separate allegation of attempting to conceal his misconduct, the Applicant's continuous denials, in the face of numerous

allegations, reflect his awareness that admitting having made the comments would be acknowledging misconduct. For example, he admitted making jokes about the nationality of a Mexican colleague, but denied making any jokes about indigenous people.

48. The Applicant also relies on a sentence in the OIOS investigation report that his comments "did not amount to the level of racism or discrimination but were careless" as implying that his comments were not deliberate.

49. First, this is phrase is taken completely out of context by the Applicant. The report actually says under "Findings" at para.142 (vi):

> Some witnesses recalled comments by Mr. Lalande which they interpreted to be racist or discriminatory. The comments, as described, did not amount to the level of racism or discrimination but were careless and, as described to UN-Habitat management, "politically incorrect."

50. The subsequent paragraph in the OIOS report concludes that the Applicant "has failed to observe the standards of conduct expected of a United Nations staff member."

51. Second, the Applicant's conclusion - that "careless" implies "not deliberate" - is unfounded. Although theoretically, a distinction may be made between careless and deliberate conduct (in tax law, for example), such a distinction would not apply in these circumstances. The Applicant does not argue, let alone prove, that the comments at issue were not made of his own volition. Indeed, he admitted that "I have a cold humour apparently and sometimes it can lead to these interpretations, but I've been like that for a long time." Given this self-awareness, the Applicant's repetitive use of such language confirms that the Applicant spoke these words intentionally. "Careless" in this context means that he spoke the words without regard to the effect his language would have on his colleagues.

52. Third, the Tribunal finds this comment in the OIOS report to be nonsensical. Making racist comments like a Mexican colleague should dress up "with feathers

in [his] hair", "do a little magic", and "sing and dance for us" obviously amounts to racism and discrimination.

53. To be clear, there are no acceptable levels of racism within the United Nations. The governing principles are clear:

a. Staff regulation 1.2(a) says

> Staff members shall uphold and respect the principles set out in the Charter, including faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women. Consequently, staff members shall exhibit respect for all cultures; they shall not discriminate against any individual or group of individuals or otherwise abuse the power and authority vested in them.

b. Staff rule 1.2 (f) clearly states that "**Any form of discrimination…is prohibited**." (emphasis added); and

c. ST/SGB/2019/8 (Addressing discrimination, harassment, including sexual harassment, and abuse of authority), provides in para. 1.2:

> **Discrimination is any unfair treatment or arbitrary distinction based on a person's race**, sex, gender, sexual orientation, gender identity, gender expression, religion, **nationality, ethnic origin**, disability, age, language, **social origin or other similar shared characteristic or trait**. Discrimination may be an isolated event affecting one person or a group of persons similarly situated, or may manifest itself through harassment or abuse of authority. (Emphasis added)

54. Finally on this point, it is important to remember that the USG/DMSPC is not bound by the OIOS findings and is authorised to make an independent assessment. ST/AI/2017/1 (Unsatisfactory conduct, investigations and the disciplinary process) makes this quite clear. Para. 8.1 states that "[d]uring the assessment, the Assistant Secretary-General for Human Resources Management and the Under-Secretary-General for Management shall not be constrained by the factual findings of the investigation."

55. Similarly, the Tribunal is not bound by the findings of OIOS and must make its own assessment. See, article 9.4 of the UNDT Statute; *Sanwidi, supra; Hallal,*

supra; and *Mbaigolmem, supra*. The USG/DMSPC did not adopt this strange finding by OIOS, and the Tribunal does not either.

56. The Applicant also argues that the sanction did not take into account the OIOS finding that he was assigned managerial and supervisory responsibilities in excess of his level of experience and job functions as a P3 staff member. It is true that the Division Director referenced that both the Applicant and his supervisor were performing duties beyond their grade level and managerial experience. However, this was raised in the context of whether there were conflicts between those two. This circumstance did not mitigate the Applicant's misconduct, including his referring to the supervisor as a "bitch." The Tribunal finds that the USG/DMSPC was correct in not considering the assignment of higher-level responsibilities to be a mitigating factor.

57. Similarly, the Administration correctly found that the Applicant's lack of prior discipline was not a mitigating factor. As the sanction letter properly observed, "[r]efraining from misconduct is a minimum requirement for a staff member held to the highest standards of integrity." This is in line with the case cited by the Applicant, *Kennedy* 2021-UNAT-1184, para. 69, wherein the Appeals Tribunal observed that the relevant considerations for determining proportionality "depend on the circumstances and nature of the misconduct." As such the disciplinary history of the staff member may be included, depending on whether the misconduct in question is part of a history or pattern. *Id*. It should be noted that the Administration did find that the Applicant's "long service with the Organization and positive performance" was a mitigating factor.

58. The Administration was also properly within its discretion in not considering the Applicant's "alleged contrition" to be a mitigating factor. Although he admitted to raising his voice in a meeting once and apologized, that was but a single incident in a sea of misconduct, most of which he disputed. The Applicant notes that "it is unreasonable to expect an apology or admission of wrongdoing from someone who disputes the allegations." This is true, but it is equally unreasonable to expect to receive credit for contrition when one does not acknowledge one's wrongdoing.

59. The Applicant compares his sanction to that in another case listed in the Compendium of Disciplinary Measures, Case no. 159. However, the Respondent argues that Case No. 159 is not comparable to the Applicant's in that it involved a staff member who shouted sexist swear words while in the workplace, although not directed to any specific individual, whereas the Applicant misconduct "was compound, repeated, directed towards multiple victims, was contrary to his role as a focal point and advocate for issues regarding indigenous peoples, persons with disabilities and older person in UN-Habitat…"

60. In addition, the Respondent points out that Case No. 159 was decided more than a decade ago, while three more recent cases (Nos. 422, 620 and 621) resulted in termination for racist, sexist or hate speech towards others. This demonstrates that the Administration considered past practices in comparable cases, and it is not the Tribunal's role to second guess this exercise or to determine whether this case is closer to one case or another.

61. Although not in his application, the Applicant later argued that a "stark contrast in the outcome of these two cases [the instant case against him and an investigation against a subordinate coworker that was closed for insufficient evidence], despite similar factual basis, is significant and may bear directly on the issue of the proportionality of the disciplinary measure imposed on the Applicant". The Tribunal finds this argument to be unpersuasive.

62. While the Applicant claims that the two cases had similar factual basis, he also admits that this is just supposition as he did not see the investigation report in the other case. On this record, the evidence is that most of the complaints were directed at the Applicant's conduct, not that of the coworker.

63. In the initial email that began the investigation, RM said that the Applicant's "behaviour then allowed [the coworker] to feel empowered to do the same, if not worse" and that when he asked the Applicant to address [the coworker's behaviour], the Applicant began yelling and "chose rather to attack me and my character".

64. AM mostly praised the coworker and said that the Applicant "sent [the coworker] to do his bidding." VN did complain about the coworker while noting

that the coworker's "absurd loyalties towards Christophe Lalande allowed the Housing Unit to be his stomping ground, where he could go around disparaging people with no account of regulations in place."

65. LPV also complained of misconduct by both the Applicant and the coworker saying that "Mr. Lalande deliberately created a toxic working environment" and that the subordinate coworker "not only benefited from this situation but selfishly perpetuated these unacceptable working conditions and consciously perpetrated misdeeds of his own".

66. The Applicant also agreed that the coworker "produced testimonies from former interns, which likely played a role in the Organisation's decision not to sanction him." EK generally praised the coworker, while complaining about the Applicant yelling at her.

67. In sum, even on the record in this case, it is clear that the conduct of the Applicant and his subordinate coworker were not sufficiently similar for them to be used for comparison.

68. Accordingly, the Tribunal finds that the disciplinary measure imposed on the Applicant was proportionate to the offences.

Were the Applicant's due process rights observed?

69. The Applicant argues that the scope of the OIOS investigation was insufficient in that it "chose not to consult a wider panel of people who worked with the Applicant [over] his 19-year career." However, there is no indication in the record that he provided the names of people who should be interviewed in this wider consultation.

70. The Applicant did provide statements from fourteen (14) character witnesses, which the record indicates the Administration considered. However, since none of these character witnesses had personal knowledge of the incidents at issue, the Administration did not give them any real weight. Of course, this is the Administration's prerogative, and the Tribunal reaches the same conclusion independently.

71. The Applicant also claims that his due process rights were violated because the investigation and disciplinary proceedings took four years to complete, citing *AAR* 2024-UNAT-1441, para. 76, wherein the Appeals Tribunal held that an investigation and/or disciplinary proceedings "should be concluded in a period that is reasonable, having regard to all the relevant circumstances of the particular case."

72. Factually, the Applicant is correct that OIOS began conducting interviews on 2 September 2020 and the sanction was not imposed until 9 September 2024. In the past, the Tribunal has criticized OIOS for unnecessary and unreasonable delays, but in this case, OIOS completed its investigation and issued its report on 31 August 2021. According to the report, OIOS interviewed 17 people including the Applicant and unsuccessfully tried to reach two other former UN-Habitat personnel. As the Applicant observed, "the evidentiary record is voluminous [including] tens of hours of audio recording…The case encompasses multiple alleged incidents, involving several alleged victims and witnesses, that occur over the course of a year." Under these circumstances, a year does not seem unreasonable for conducting the investigation.

73. Inexplicably, the Office of Human Resources (OHR) took no action on the report for two years, until issuing the Allegations of Misconduct on 28 August 2023. Thereafter, the process moved along rather deliberately. The Applicant filed his response to the allegations six weeks later, on 11 October 2023. His response referenced letters from twelve (12) former UN-Habitat interns but did not include copies. He was requested to provide the letters, which he did on 15 January 2024. Additional evidence was sought from OIOS and received on 7 February 2024, and a week later OHR requested the Applicant to comment on these additional documents, which he did on 8 March 2024. The Sanction Letter was issued six months thereafter.

74. The Tribunal finds that the unexplained passage of two years between receipt of the OIOS investigation report and issuance of the Allegations is unreasonable delay by OHR. Two years to review a report which took half that time to investigate and write seems completely excessive.

75. However, this finding of unreasonable delay does not end the inquiry. Delay only becomes a due process violation when an applicant is harmed by the delay. Here the Applicant does not allege any such harm.

76. He claims that he suffered "a major impact on his mental health" for which he sought medical treatment. However, both the application and the medical reports attribute his mental health condition to the dismissal and not to any delay in the process leading up to that dismissal. Nor is the Tribunal able to glean any harm caused by the delay from the record. To the contrary, the delay worked in his favour, permitting him to benefit from two years of further service, with full salary, and delaying his separation. *Nasrallah*, 2013-UNAT-310, para. 27.

77. Accordingly, the Tribunal finds that the Applicant's due process rights were not violated.

Conclusion

78. For the reasons set forth above, the application is denied in its entirety.

(Signed)
Judge Sean Wallace
Dated this 20th day of August 2025

Entered in the Register on this 20th day of August 2025

(Signed)
Wanda L. Carter, Registrar, Nairobi