



Before: Judge Sean Wallace

Registry: Nairobi

Registrar: Wanda L. Carter

PASI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Nicole Wynn, AS/ALD/OHR/UN Secretariat

Victoria Mujunga, AS/ALD/OHR/UN Secretariat

Introduction

1. By application filed on 14 April 2025, the Applicant is contesting a decision by the Administration to refer his submissions relating to the establishment of dependency and possible parental leave to the Office of Internal Oversight Services (“OIOS”) (“the contested decision”).
2. The Respondent filed a reply submitting that the application is not receivable *ratione materiae*. The Respondent further avers that the contested decision was lawful because the Administration has a duty to refer all matters of possible misconduct to the appropriate office.
3. Pursuant to Order No. 100 (NBI/2025), the Applicant filed his rejoinder.

Facts

4. The Applicant serves as a Field Language Assistant, with the United Nations Mission in South Sudan (“UNMISS”), on a fixed-term appointment.
5. On 29 January 2024, the Applicant submitted a request in Umoja for a dependency allowance for his child born on 2 December 2023. The following day, the Regional Service Centre in Entebbe (“RSCE”) rejected the Applicant’s request due to lack of supporting documentation.
6. On 29 June 2024, the Applicant uploaded the birth certificate for his newborn child as part of the health insurance annual enrolment campaign, which RSCE approved.
7. On 1 August 2024, RSCE informed the UNMISS Human Resources Management Section (“HRMS”) that RSCE had mistakenly approved the Applicant’s health insurance enrolment without verifying the supporting documentation. RSCE also noted that the child was not from the Applicant’s recognized spouse in Umoja, and requested UNMISS to ask the Applicant to resubmit the supporting documentation for verification:

Review of record as below shows SVM first submitted [i]n January without attachment. Upon resubmission [i]n July, [i]t was an

oversight that I approved without the mission stamp. It's also true that the child is not from a recognized spouse.

Kindly help reach out to staff member to resubmit for your verification and our approval.

I also wish to note that the child is not covered on MIP [Medical Insurance Plan].

8. On 2 August 2024, UNMISS informed the Applicant that RSCE was requesting him to submit financial proof and an affidavit from the mother of the newborn child or a marriage certificate to qualify for a dependency allowance for the child.

9. On 5 August 2024, the Applicant emailed HRMS an affidavit from the mother and receipts for medical treatments of his son.

10. On 6 August 2024, an UNMISS Human Resources ("HR") Assistant acknowledged receipt of the affidavit and informed the Applicant that he needed to submit proof of his financial support for the child covering six consecutive months. The Applicant was encouraged to pass by the HR Assistant's office:

I acknowledged the Affidavit but missing financial proof for at least six months consecutively.

I am in HR office in Topping you can pass by.

11. On 15 August 2024, the Applicant emailed HRMS a Republic of South Sudan marriage certificate certifying that the Applicant married the mother of his newborn child (whom the United Nations refers to as the Applicant's "non-recognized spouse"). The marriage certificate was on a form with lines to show the names of the bride and groom, their fathers, the village where the bride's father is from, the amount of dowry (in cows, goats and cash), and both the names and signatures of four witnesses to the marriage. All of these lines were filled in by hand. The marriage certificate has no date of the marriage because there is no line for a date.

12. The Applicant then exchanged emails with HRMS regarding the date of the marriage. The pertinent parts of the emails are reproduced below:

Applicant: We compromised with the relatives of my Spouse regarding the pending issue hindering attainment

of the attached certificate. Hope this one is reasonable to support the addition of the dependent child with the unrecognized Spouse.

HR: When did the marriage take place.

Applicant: The traditional marriage took place on 5 September 2022.

HR: If I can recall, you visit [sic] our office in Tomping and you told me you did not have marriage certificate, now you said you got marriage [sic] 5 September 2022. Are yuu [sic] serious.

Second in the Certificate there is nothing mentioning the date you said.

Applicant: Let me hope that this is not personal issue or connected to some hidden agenda. When I approached you at your Tongping Office, I had told you that I cannot get the marriage certificate because I did not finish paying the dowries. That was what I told you.

Since you disapproved the financial proof to consider the dependent, I went to my in-laws here in Juba (Jondoru) where we agreed with them to get their 3 pending cattle in the village, then I asked them to help me get the marriage certificate so that the dependent child can be considered in the system. That was why yesterday we went to ask for the certificate at Kator B Court and it was presented by the Secretary of Head Chief, who filled it and was signed by 2 witness from my side and 2 from the side of the Spouse as you have seen.

Mentioning the date of marriage in the certificate is not my problem. It is the Court that got the Form and filled. That is how their Form is designed.

I think it is reasonable if this is not connected to a hidden agenda or personal issue, we can or you go to the Court to confirm all about the certificate at your convenience. Secondly, I can also bring to you the Spouse and the Child plus her relatives who witnessed yesterday here at Tongping office for you to confirm further. Thirdly it is good also to note that you are denying me to add this dependent and the leave attached to it.

13. On 19 August 2024, the Applicant emailed HRMS a marriage certificate identical to the one previously submitted but with a marriage date indicated as 5 September 2022. HRMS requested that the Applicant take the certificate to the HRMS office in Tomping for physical verification, which he did.

14. On 22 August 2024, HRMS informed the Applicant that an apparent conflict between the undated marriage certificate he first submitted and the second marriage certificate, “requires an additional review by the appropriate Unit.

15. On 22 October 2024, the Applicant wrote seeking an update on the matter and said:

I am not quite sure of the exact review process you are undertaking. Are you evaluating or considering my revised documentation in order to reinstitute my dependence allowance and allow me to take parental leave or this is a CDT investigation?

16. On 27 October 2024, HRMS responded that,

your documents relating establishment [sic] of dependency and possible parental leave was submitted to OIOS for review. We will proceed with action upon getting feedback from OIOS.

17. On 18 December 2024, the Applicant requested management evaluation of the administrative decision which he states was communicated to him by the email dated 27 October 2024.

18. On 13 January 2025, the Management Advice and Evaluation Section (“MAES”) determined that his request was not receivable as it was not a final administrative decision to reject the claim for dependency allowance.

19. On 17 April 2025, OIOS informed the Applicant as follows:

1. On 2 September 2024, the Investigations Division of the Office of Internal Oversight Services (OIOS) received a report of possible misconduct against you.

2. You will recall you were interviewed regarding the matter on 30 October 2024.

3. OIOS wishes to advise that the investigation into this report is now complete, and the evidence obtained does not substantiate the reported misconduct.

4. Please note that the existence of this investigation has no bearing on your performance evaluation, or on your responsibilities or career opportunities within your department. No negative inferences should be drawn from it.

20. On the same date, OIOS wrote to HRMS that “the allegations were found to be unsubstantiated.”

21. On 22 April 2025, HRMS informed the Applicant that following the successful conclusion of his case with OIOS, he was able to exceptionally request his parental leave. The Mission also informed him that payment of dependency benefits for his child had continued uninterrupted throughout the OIOS review period.

Parties’ submissions

22. The Applicant’s principal contentions are:

a. Making a report or providing information that is intentionally false or misleading constitutes misconduct and may result in disciplinary or other appropriate action before the Dispute Tribunal, respectively. The referral is thus challengeable as an administrative decision before the Tribunal.

b. In this case, the contested decision is that the Administration reported to OIOS that he engaged in entitlement fraud by requesting entitlements through UNMISS Human Resources relating to his newborn child with documents whose authenticity could not be confirmed.

c. The Administration did not report him to be investigated in good faith.

d. The Administration should have called the Court to confirm if his revised marriage certificate was “legitimate or not” or “driven to the Court” which was just a three minutes’ drive away to prove the same.

e. The referral was a punitive/retaliatory measure because he has been struggling to get compensation for injuries sustained during performance of official duties.

f. By reporting him to OIOS to be investigated for entitlement fraud, the Administration directly harmed his dignity. The evidence of harm to his dignity is that his parental leave was denied because of administrative issues, then it was granted on 4 June 2025 after the closure of his case.

g. He was also isolated at the workplace. His performance appraisal (“ePAS”) was the last to be considered in his team.

h. He suffered stress and became unable to cope with the pressure of being subjected to punitive measures because of his pursuit of compensation for injuries sustained during performance of official duties.

23. The Respondent argues that the application is not receivable as a matter of law and should be dismissed for the following reasons.

a. A referral to OIOS to verify documents is not a final administrative decision.

b. A staff member may not challenge an administrative decision’s intermediate or preparatory steps. Only the final decision, which carries direct legal consequences for the staff member’s legal rights and obligations may be appealed before the Dispute Tribunal.

c. A referral for investigation is prefatory and does not, at that stage, affect the staff member’s legal rights. The review was completed and resulted in no disciplinary action or any other adverse consequences for the Applicant.

d. The Applicant’s dependency allowance was never suspended. The UNMISS HR Officer informed the Applicant that his parental leave request would be suspended pending final review. When the Applicant followed up on 30 October 2024, asking if the HR Officer would approve his entitlement if OIOS concluded there was no fraud and the documents were legitimate, the

HR Officer confirmed that he would. HRMS's emails of 22 August 2024, 27 October 2024, and 30 October 2024 were therefore not final administrative decisions. They were not a conclusion of the administrative process of reviewing the Applicant's supporting documents.

e. The Applicant suffered no harm. His dependency benefit for his child was never suspended.

f. The Mission exceptionally approved the Applicant to request parental leave beyond the normal one-year period following the birth of his child.

g. There has been no defamation. The Applicant has produced no evidence that the referral had any adverse impact on him. On the contrary, the OIOS review authenticated the documents.

h. OIOS stated in its closure letter to the Applicant that the existence of the investigation had no bearing on his performance evaluation, his responsibilities, or career opportunities, and that no negative references should be drawn from it.

Considerations

Receivability

24. Article 2.1(a) of the UNDT Statute provides that the Dispute Tribunal shall be competent to hear and pass judgment on an application to "appeal an administrative decision that is alleged to be in non-compliance with the terms of appointment or the contract of employment. The terms "contract" and "terms of appointment" include all pertinent regulations and rules and all relevant administrative issuances in force at the time of alleged noncompliance.

25. The legal issue arising for determination is whether the report of possible misconduct by the UNMISS HRMS to OIOS is an administrative decision which can be subjected to judicial review.

26. To be reviewable, an administrative decision must be final. The rationale for this principle is the idea that judicial review should concentrate pragmatically on consequential decisions of a final nature. *O'Brien* 2023-UNAT-1313, para 24; *Michaud* 2017-UNAT-761, para. 50. The Appeals Tribunal has “consistently held that the key characteristic of an administrative decision subject to judicial review is that the decision must “produce direct legal consequences” affecting a staff member’s terms and conditions of appointment; and the administrative decision must “have a direct impact on the terms of appointment or contract of employment of the individual staff member.” *Lee* 2014-UNAT-481, para 49.

27. In the present case, the Applicant’s request for parental leave was suspended during the period of referral of his case to OIOS. Contrary to the Respondent’s contention, the referral of the Applicant’s case to OIOS was not merely a referral to authenticate his documents, but was a report of possible misconduct as evidenced by the OIOS letter dated 17 April 2025 and discussed below.

28. Beyond the denial of his request for parental leave, the Applicant avers that other adverse consequences of the report of possible misconduct were: the report was made in bad faith; the referral was a punitive/retaliatory measure; he suffered discrimination/isolation in the workplace; and that he suffered stress.

29. The Tribunal finds that the contested decision had a direct legal consequence. It caused the suspension of the Applicant’s parental leave and, more importantly, it subjected the Applicant to an investigation for alleged misconduct. The lawfulness of the decision and the alleged adverse consequences claimed by the Applicant, therefore, are receivable claims.

Merits

30. The legal issues arising for determination in this case are:

- a. Whether the contested decision was lawful.
- b. Whether the Applicant is entitled to the relief sought.

31. Sections 4.1 - 4.3 of ST/AI/2017/1 (Unsatisfactory conduct, investigations and the disciplinary process) stipulate:

4.1 Pursuant to staff rule 1.2 (c), staff members have the duty to report any breach of the Organization's regulations and rules to the officials whose responsibility it is to take appropriate action and to cooperate with duly authorized audits and investigations. Staff members shall not be retaliated against for complying with these duties.

4.2 Information about unsatisfactory conduct may be received from staff members and any other source. This includes any information obtained during an investigation, a disciplinary process, an audit, a management enquiry or review, a judgment from a national court or information from another organization that is a member of CEB [United Nations System Chief Executives Board for Coordination].

4.3 Information about unsatisfactory conduct may be brought to the attention of:

- (a) The responsible official, with a copy to OIOS; or
- (b) OIOS.

32. In the present case, on 1 August 2024, RSCE informed UNMISS HRMS that they had mistakenly approved the Applicant's newborn child's health insurance enrolment without the UNMISS stamp and noted that the child was not from the recognized spouse in Umoja. RSCE requested UNMISS to ask the Applicant to resubmit the supporting documentation for verification.

33. When the Applicant attempted to comply with this remedial action, he was met with hostility and unjustified scepticism by UNMISS HRMS. The fact that the initial marriage certificate was undated and the subsequent one was dated (as requested by HRMS) might have given a reason for further inquiry.

34. That inquiry could have taken several forms. As suggested by the Applicant, HRMS could go to the court alone or with the Applicant "to confirm all about the certificate".¹ Alternatively, HRMS could have invoked para. 2 of

¹ In addition to the two marriage certificates, the record contains a hand-written note from "Tokiman "A" Court in Kator/Juba, dated 14 October 2024 which says "To Whom it may concern. The attached marriage certificate issued on 14/08/2024 is mistakenly with no marital date". The note

ST/SGB/2004/13/Rev.1 (Personal status for purposes of United Nations entitlements) which provides:

Requests relating to the determination of the personal status of staff members in connection with their entitlements may be submitted by the Secretariat for verification by the Permanent Mission to the United Nations of the country of that competent authority. Once the Permanent Mission has verified that the status in question is legally recognized for the purposes of granting benefits and entitlements, the Secretariat will take action in accordance with that verification.²

35. Or HRMS could have requested OIOS to confirm whether the marriage certificate(s) was genuine.

36. However, the discrepancies did not justify a report of misconduct to OIOS. It seems clear that HRMS knew this because they were purposely vague in telling the Applicant that the apparent conflict in the marriage documents “requires an additional review by the appropriate Unit” without mentioning that the “appropriate unit” was OIOS.

37. HRMS was again evasive two months later, when the Applicant followed up with HRMS about the referral, asking about

the exact review process you are undertaking. Are you evaluating or considering my revised documentation in order to reinstitute my dependence allowance and allow me to take parental leave or this is a CDT [Conduct and Discipline Team] investigation?

38. In response to this very direct question, HRMS was again vague: “Kindly note that your documents relating establishment of dependency and possible parental leave was submitted to OIOS for review.” This response does not address the Applicant’s question about whether this was in investigation into misconduct

bears the signature of the Executive Chief and the seal of the Court. It is not clear when this was provided to HRMS.

² Curiously, the MAES response says that the misconduct report to OIOS “aligns with the provision of ST/SGB/2004/13/Rev.1”. One wonders how reporting misconduct to OIOS aligns with requesting verification by the Permanent Mission of South Sudan. These are entirely different processes directed at completely different purposes.

that could lead to discipline, and obscures the fact that the referral to OIOS was for alleged misconduct.

39. Within three days of this exchange, the Applicant was interviewed by OIOS.³ Immediately prior to the interview, the OIOS investigator emailed the Applicant informing him that they had been assigned to investigate “a report of misconduct.” It went on to advise him that “Specifically, it has been reported to the OIOS that you would possibly have engaged in alleged entitlement fraud by requesting entitlements through UNMISS Human Resources relating to your newborn child with documents whose authenticity could not be confirmed.”

40. Immediately after the interview, the Applicant wrote to HRMS asking “What more can I provide to you (HR) if the documentation provided by the local authority is insufficient?” HRMS responded that “You don’t need to provide anything for now, Moses”.

41. Since he now knew that the referral to OIOS was for allegations of fraud, the Applicant also asked, “And should OIOS conclude the investigation that there was no fraud and the documents are legitimate, will you approve the entitlement?” Without expressing surprise or sympathy, HRMS merely answered “definitely”.

42. The Tribunal further notes that, in this litigation, the Respondent has repeatedly mischaracterized the referral to OIOS as merely a request “to review the authenticity of the documentation” and not a report of misconduct. Curiously, the Respondent has not submitted the actual referral as an exhibit so that the Tribunal could see exactly what the referral said. The Tribunal views this repeated evasion and dissembling to be evidence of the Administration’s consciousness of guilt.

43. As this Tribunal found in a similar case,

One must ask whether the Applicant was informed about the investigation or if it was an insidious attempt to fish for evidence that would be prejudicial to her. Since the Respondent confessed that they made an error, the investigation into the claims made by the

³ Although the record is not clear on this, the obvious inference is that the Applicant’s inquiry about a “CDT investigation” resulted from OIOS trying to arrange an interview.

Applicant was ill-advised, misconceived and an absolute waste of the Organization's resources.

Ten Have UNDT/2015/007, para. 48.

44. In that case, the Respondent admitted that an overpayment to the applicant was due to an administrative error by the Respondent. In this case, the Respondent admitted that RSCE had mistakenly approved the child's health insurance enrolment without the required documentation. Perhaps that was the motivation for the unnecessary misconduct report or perhaps, as the Applicant said, it was a "personal issue or connected to some hidden agenda".⁴

45. There is insufficient evidence in the record to ascertain the exact motivation behind the misconduct referral. However, the Tribunal finds that, regardless of the exact motivation, the misconduct referral was not in good faith. Evidence of this includes the nasty comments by UNMISS HR in their email to the Applicant and hiding the nature of the referral from the Applicant. (In addition to mischaracterizing it before the Tribunal.) It is obvious that "[t]he very basis of the investigation can only have been one of bad faith." *Ten Have, supra* para. 50.

46. The Respondent claims that UNMISS HR "had a duty to confirm that the information the Applicant provided was authentic and correct." This is true, and as pointed out above, there were a number of ways in which HR could have obtained confirmation short of accusing him of misconduct. However, the Respondent jumps from asserting a duty to confirm authenticity to an "oblig[ation] to report to OIOS the Applicant's conflicting documentation." That leap is neither logical nor true.

47. As authority for this claim, the Respondent cites staff rule 1.2(c) and section 4.1 of ST/AI/2017/1. But those provisions both speak of "a duty to report **any breach** of the Organization's regulations and rules" (emphasis added). In this case HRMS assumed a breach where there was none. Assuming misconduct merely from

⁴ The Applicant says "As I never had this kind of problems until now - following my raising of several cases in the formal system, I fear this is a retaliation against my ongoing case against the Administration for gross medical negligence currently with the UNAT."

the submission of unclear, unfamiliar, or confusing documents is simply wrong, and reporting assumed misconduct would overwhelm an already burdened OIOS.

48. The Respondent also cites *AAA*, 2022-UNAT-1280, paras. 51-52, as standing for the proposition that these provisions “do not require proof of misconduct for a staff member to report possible misconduct to OIOS.” That is a misreading of the judgment.

49. *AAA* involved allegations that the staff member failed “to report alleged sexual abuse by a fellow worker,” *Id.*, para. 1. As noted by the Appeals Tribunal,

Section 3.2(e) of ST/SGB/2003/13 provides that “[w]here a United Nations staff member develops **concerns or suspicions** regarding sexual exploitation or sexual abuse by a fellow worker, whether in the same agency or not and whether or not within the United Nations system, he or she must report such concerns via established reporting mechanisms”. *Id.*, para. 47. (Emphasis added).

50. The paragraphs quoted by the Respondent (paras. 51-52) all focus on ST/SGB/2003/13 which is entitled “Special measures for protection from sexual exploitation and sexual abuse”. In his SGB, the Secretary-General states that “[i]n order to further protect the most vulnerable populations, especially women and children”, he was promulgating “specific standards,” including section 3.2(e).

51. Clearly the instant case does not involve sexual exploitation or sexual abuse, and thus the special standard of section 3.2(e) does not apply. Moreover, it is quite clear that the cited paragraphs do not support the broad proposition which the Respondent asserts.

52. Accordingly, the Tribunal finds that the contested decision to refer the matter to OIOS as a misconduct report was unlawful.

Remedies

53. Under art. 10.5(b) of the Dispute Tribunal Statute, the Tribunal may award “compensation for harm, supported by evidence.” This provision authorizes the Tribunal to “award compensation for actual pecuniary or economic loss, including

loss of earnings, as well as non-pecuniary damage, procedural violations, stress, and moral injury.” *Harris* 2019-UNAT-896, para. 61.

54. The Appeals Tribunal has also consistently held that “an entitlement to moral damages may arise where there is evidence produced to the Tribunal, predominantly by way of a medical or psychological report of harm, stress or anxiety caused to the employee, which can be directly linked, or reasonably attributed, to a breach of his or her substantive or procedural rights and where the Tribunal is satisfied that the stress, harm or anxiety is such as to merit a compensatory award.” *Coleman* 2022-UNAT-1228, para. 42; see also *Ashour* 2019-UNAT-899, para. 31.

55. Further, the jurisprudence is very clear that “it is not enough to demonstrate an illegality to obtain compensation: the claimant bears the burden of proof to establish the existence of negative consequences, able to be considered damages, resulting from the illegality on a cause-effect lien. Our case law required that the harm be directly caused by the administrative decision in question. If these other two elements of the notion of responsibility are not justified, only the illegality can be declared but compensation cannot be awarded.” *Ashour, supra*, para. 31. *Israbhakdi* 2012-UNAT-277, para. 24. *Mihai* 2017-UNAT-724, para. 21, *Sirhan* 2018-UNAT-860, para. 19; *Harris, op. cit.*, para. 61.

56. In the present application, the (self-represented) Applicant says he is seeking “remedies for malicious misconduct.” He expounded on this request in the rejoinder where he stated,

by reporting me to OIOS to be investigated from entitlement fraud without proper review of my revised marriage certificate provided by the local authority, the administration ... directly harmed my dignity. I have been unwarranted and subjected to punitive measures just because the administration was retaliating to my filing of several cases against them.

57. The Applicant then identifies the evidence of harm to his dignity as: denial of his parental leave; isolation at the workplace; difficulty having his annual leave approved; intimidation by his First Reporting Officer (“FRO”) during the ePAS

self-evaluation “because the administration directed my supervisors to deal with me in that manner; stress, which affected my physical health.”

58. In evaluating each of the Applicant’s claims for damages, the Tribunal first notes that the Applicant concedes that his request for parental leave was granted on 4 June 2025. He has not identified any harm resulting from the delay in granting that leave, so no damages can be awarded for that delay.

59. Similarly, the Applicant complains of difficulty having his annual leave approved but presents no evidence as to whether the annual leave was denied or delayed and, if so, how it was a direct result of the OIOS referral. Thus, no damages can be awarded for that claim.

60. Other than the assertion that “I was isolated at the workplace”, the Applicant presents no details or supporting evidence of this claim. Again, nothing connects it with the contested decision, preventing any award for this claim.

61. In support of his claim that his FRO intimidated him during the ePAS self-evaluation, the Applicant submits an email exchange dated 6-7 May 2025 wherein the Applicant is told “I have returned your ePAS you because you have not indicated exactly what work you did. You can direct your grievances with UNMISS Medical separately but not through the ePAS process.”

62. The Applicant then responded saying this was the second time the self-evaluation was returned to him, but that he had amended it to indicate the “details what I did and why I did that.” He also said he included his grievances to explain why he had not performed his original duties. Finally, the Applicant said, “I think this latest self-evaluation is reasonable for your rating and would require no further amendment as HR warns of providing 3 months contract extension if the delay continue.”

63. The Applicant’s submission fails to show whether his FRO required any further amendments, nor if there were any repercussions of the type warned. There is no evidence to support the allegation that this interaction with his FRO was “the administration directed my supervisors to deal with me in that manner.” Most

importantly, there is nothing that shows that the ePAS interaction is linked to the contested decision.

64. Finally, to support his claim that stress affected his physical health, the Applicant submitted a medical form and lab report dated 6 December 2024. The medical form is semi-legible but seems to say that that he appeared complaining of headache, restlessness, weakness (and no fever) “after getting misunderstanding from his work.”

65. The Tribunal finds this to be insufficient evidence of a direct causal link between the reported symptoms and the contested decision, particularly in light of the Applicant’s unrelated and ongoing disputes about denial of his medical claims.

66. In this regard, the Tribunal notes the Appeals Tribunal’s observation that “not every violation of due process rights will necessarily lead to an award of compensation”. *Wu* 2010-UNAT-042, para. 33. This case involves one such instance, so the request for compensation is denied.

Conclusion

67. For the reasons set forth above, the Tribunal orders that:

- a. The misconduct referral to OIOS is declared unlawful; however,
- b. The Applicant’s claim for damages is denied.

(Signed)

Judge Sean Wallace

Dated this 19th day of September 2025

Entered in the Register on this 19th day of September 2025

(Signed)

Wanda L. Carter, Registrar, Nairobi