



Administrative Tribunal

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ADMINISTRATIVE TRIBUNAL

Judgement No. 1443

Case No. 1516

Against: The Secretary-General
of the United Nations

THE ADMINISTRATIVE TRIBUNAL OF THE UNITED NATIONS,

Composed of Mr. Spyridon Flogaitis, President; Ms. Brigitte Stern; Mr. Agustín Gordillo;

Whereas at the request of a former staff member of the United Nations, the President of the Tribunal granted an extension of the time limit for filing an application with the Tribunal until 28 February 2007;

Whereas, on 1 February 2007, the Applicant filed an Application in which he requested the Tribunal, *inter alia*:

“III. PLEAS

8. ...

(a) *to rescind* the decision of the Secretary-General rejecting both the majority and minority recommendations of the JAB [Joint Appeals Board];

(b) *to order* that the Applicant be reinstated with effect from 31 October 2006;

...

(f) *to award* the Applicant three years' net base pay as compensation for the actual, consequential and moral damages suffered by the Applicant as a result of the Respondent's actions or lack thereof; in view of the special circumstances of the case;

- (g) *to fix* pursuant to Article 9, paragraph 1 of the Statute and Rules, the amount of compensation to be paid in lieu of specific performance at three [years'] net base pay in view of the special circumstances of the case;
- (h) *to award* the Applicant as cost, the sum of \$10,000.00 in legal fees and \$500.00 in expenses and disbursements."

Whereas at the request of the Respondent, the President of the Tribunal granted an extension of the time limit for filing a Respondent's answer until 27 July 2007, and twice thereafter until 27 August;

Whereas the Respondent filed his Answer on 22 August 2007;

Whereas the Applicant filed Written Observations on 24 June 2008;

Whereas, on 15 July 2009, the Tribunal decided not to hold oral proceedings in the case;

Whereas the statement of facts, including the employment record, contained in the report of the JAB reads, in part, as follows:

"Employment History

... [The Applicant] has served the United Nations in a number of peacekeeping operations, initially as a Military Observer with the United Nations Truce Supervision Organization (UNTSO). In 1990 he served as Chief, Military Security with the United Nations Verification Mission in Haiti (ONUVEH). [The Applicant] was subsequently Chief Intelligence Analyst with the United Nations Operations in Somalia (UNOSM II) from 1993 to 1994. On 28 February 2001, [the Applicant] was offered a one-year fixed-term appointment at the P-5 step V level as Investigator in the Office of Internal Oversight Services (OIOS). His appointment was twice renewed. In April 2004 [the Applicant] was placed on suspension with full pay, pending disciplinary proceedings. On 22 December 2004, the Panel of the Joint Disciplinary Committee (JDC) submitted its report on [the Applicant's] disciplinary case to the Secretary-General. By letter of 24 January 2005 [the Applicant] was informed of the decision taken on behalf of the Secretary-General regarding his disciplinary case. On 26 January 2005, [the Applicant] was reinstated in the Investigations Division (ID/OIOS). [The Applicant's] fixed-term appointment expired on 28 February 2006, but was subsequently extended pending resolution of his appeal.

Summary of the facts

... [The Applicant] had been charged with violating staff regulations 1.2 (e), 1.2 (f), 1.2 (i), as well as the protocols of the OIOS Investigation Division; specifically, the allegations of misconduct related to unauthorized contacts with journalists and others and unauthorized disclosure of confidential information concerning evidence in a sensitive investigation. The majority of the JDC Panel, having noted that the charge of having revealed confidential information to journalists had been dropped, adopted the following conclusion and recommendations:

'72. In light of the foregoing, the majority of the Panel agreed that the Administration had failed to present a prima facie case of misconduct. The Panel noted that the Administration had not presented a convincing case that [the Applicant's] contacts caused any damage or embarrassment to the Organization.

73. The majority of the Panel recommends that the charge against [the Applicant] in respect of staff regulation 1.2(e) and staff regulations 1.2(f) and (i) be dropped.

74. The majority of the Panel recommends that [the Applicant] be totally exonerated and reinstated immediately.

75. The ID Director exceeded her authority and demonstrated poor managerial judgment in failing to abide by the rules governing the suspension of staff members. The majority of the Panel thus recommends that [the Applicant] be granted three months' net pay salary in compensation for his de facto and unlawful suspension that occurred when he was denied access to his office from 2 to 7 April.'

The Chairman of the Panel, in his dissenting opinion, made the following recommendations:

'72. The Chairman recommends that [the Applicant] be granted one month's salary to compensate him for the de facto but unlawful suspension that occurred when he was denied access to his office from 2 to 7 April without written notification of the charges being made against him.

73. In respect of staff regulations 1.2(f) and (i), the Chairman finds that [the Applicant] had contact with persons that he was not authorized to have, and that, in respect of his contact ... this went well beyond what he was tasked with.

74. Ordinarily, the Chairman would have been inclined to recommend that [the Applicant] be summarily dismissed in the light of the serious charges arising from violating OIOS' protocols and staff regulations 1.2 (f) and (i). However, taking into account that (a) the staff member had no personal stake in this matter, (b) that the events of the 18 March meeting are in dispute, (c) that [the Applicant] was trying to be helpful (albeit in an overzealous manner), and (d) that his Director ... should have made a greater attempt in early April to establish the facts directly from [the Applicant], the Chairman recommends that [the Applicant] be fined the equivalent of one month's salary.'

... In her letter of 24 January 2005 to [the Applicant], [the] Under-Secretary-General for Management, words the Secretary-General's decision as follows:

'The Secretary-General has examined your case in light of the JDC's Report, as well as the entire record and the totality of the circumstances. He accepts the JDC's conclusion regarding the violation of your due process rights arising from you[r] de facto suspension from 2 to 7 April 2004 and has decided to accept the recommendation of the JDC Chairman that you be granted one month's salary by way of compensation. With regard to the substantive aspects of the case, the Secretary-General agrees with the dissenting opinion of the JDC Chairman that adequate evidence exists that you disclosed confidential information to a number of persons without express authority to do so, and that this constitutes misconduct within the meaning of Staff Rule 110.1, warranting disciplinary action. In accordance with the recommendation of the JDC Chairman, the Secretary-General has decided to impose on you the disciplinary measure of a fine in the amount of one month's salary pursuant to Staff Rule 110.3 (a) (v). Moreover, it appears to the Secretary-General that your conduct in this case in allowing non-authorised persons to make wide-ranging inquiries during a confidential investigation of the utmost importance to the United Nations does not only warrant disciplinary sanction but is also indicative of gross incompetence unbecoming an OIOS Investigator of your seniority.'

... On 26 January 2005, date of [the Applicant's] reinstatement, [the] Director, ... (ID/OIOS) addressed a note to him ... in which she informed him that she had decided (a) to assign him 'to consolidate information on the repeated allegations of problems in the Economic Commission of Africa'; (b) [who would be his supervisor]; and (c) that his office would be relocated from DC-1 (where the other staff of ID/OIOS were located) to the 18th floor of DC-2.

... On 6 May 2005, [the Applicant] addressed a 9 page memorandum ... to [the Director ID/OIOS] through [his supervisor], concerning his current work assignments, his accomplishments for the purposes of the 2003-2004 PAS, his accommodations and computer facilities, and his problems relating to preparations for the subsequent two [PASs].

... [The Director ID/OIOS]'s reply e-mail of 4 October 2005 ... reads as follows:

'... You have sent recently your two ePas plans for the periods April 2004 – March 2005 and April 2005 – March 2006. With respect to the first, it is not only late but does not reflect accurately [n]either your assignments nor your functions in the period and hence cannot be approved. With respect to the second, as you were advised when you returned from suspension, your first reporting officer is [the Applicant's supervisor]; hence the plan needs to be sent to him.'

... In his e-mail response of 30 November 2005, [the Applicant] noted that he had sent three, not two, ePas, that [the Director ID/OIOS] had never discussed his 2003 performance with him, nor discussed his 2004 and 2005 work plans, and had refused to clarify his position in ID/OIOS. He continued:

'The e-Pas issue is only one among others that have been developed in my 6 [M]ay 2005 letter.

You forced me out of my DC1 office to a DC2 office and establish[ed] a persona non grata environment where most of my colleagues are scared to talk to me or interact with me.

[The supervisor] has reiterated to me in a registered conversation during his last stay in New York that (a) the three task[s] provided to me to research on were fake task[s] to keep me busy [and] out of your view; (b) that this will be maintained until [the] end of February 2006[,] at the end of my current contract; (c) that you don't intend to renew my contract based on lack of performance in that endeavor – reaching by this administrative measure what you did not succeed in doing when requesting my summary dismissal in April 2004; (d) that he does not want to be my supervisor as we are both P5 and that the current situation with you should be fixed.'

He requested a 'one on one' meeting with her.

... [The Director ID/OIOS] replied by e-mail ... on 12 December 2005, as follows:

'... Your email of 30 November which seems to be a response to my email of 4 October contains a number of errors. For example, you know that the ePas documents which were not completed are with you as they had been returned to you as shown by the ePas system.

<u>ePas period</u>	<u>Action by FP</u>
2004-2005	Change the Second Appraising Officer and Update Plan
2005-2006	Update Plan

You have known since your suspension was lifted that [the Applicant's supervisor] was designated as your immediate supervisor as he informed you then and I as second. The limitations on what you could do over the last few months arise from the findings in the letter of the Secretary-General. Because of these findings, which are quite serious and hence not suitable for email which is not secure, and your inability to complete even the general research assignments given to you by [the supervisor], it is not reasonable for [the supervisor] to spend his time and efforts to try to develop a task which you would be able

to do. Further, this confirms your earlier conversation with [the supervisor] that your contract with OIOS will not be recommended for [renewal].

I had asked ... to schedule the requested meeting this week, but you were unavailable when we were. Perhaps, as there is a further pending investigation ... if the matters below are the subject of your proposed meeting, I suggest that the meeting be deferred until the completion of those matters.'

... In a letter of 4 January 2006 addressed to the Secretary-General, [the Applicant] requested a review of the decision not to recommend the extension of his FTA. On 12 January 2006, in a letter to the Secretary, JAB, he requested a hearing on his request for suspension of action on that decision. The Panel constituted to consider his request met on 31 January 2006, and, in its report of 2 February 2006 ... recommended that the request be granted until the appeal be heard on its merits, and a final decision taken by the Secretary-General; it also recommended that consideration of the appeal be expedited. In his letter to [the Applicant] of 21 February 2006 [the] Under-Secretary-General for Management, informed him that the Secretary-General had decided to accept the recommendation of the JAB and suspend implementation of the [suspension] decision until 31 May 2006.

... Meanwhile, on 8 February 2006, [the Director ID/OIOS] advised the OIOS Executive Office ... of the decision not to recommend the extension of [the Applicant]'s FTA. She also stated that the PAS for 2004-2005 and 2005-2006 were 'with the staff member.'

..."

On 28 February 2006, the Applicant filed an appeal with the JAB. The JAB submitted its report on 20 July 2006. Its considerations, findings, and recommendation read, in part, as follows:

“Considerations

20. In its judgement No. 981 (*Masri*), the United Nations Administrative Tribunal (UNAT) held that '[t]he discretion of the Secretary-General to renew or not to renew a fixed-term contract is wide, but it has, however, its limits. Administrative decisions affecting a staff member must not run counter to certain concepts fundamental to the Organization. They must not be improperly motivated, they must not violate due process, they must not be arbitrary, taken in bad faith or be discriminatory.' In the Panel's opinion, the administrative decisions not to renew Appellant's FTA ... embody every defect enumerated in that UNAT decision.

21. On 7 May 2003, [the Director ID/OIOS], after describing Appellant as a 'thorough professional who is clearly committed to developing his unit into the role assigned,' signed his 2002-2003 PAS with a rating of 'Fully successful performance.' On 10 June 2005, after having rated Appellant as 'Unsatisfactory' in every core value, core competency and managerial competency (except 'Respect for Diversity/Gender' and 'Technological Awareness,' where he was 'Developing'), [the Director ID/OIOS] signed his 2003-2004 PAS with a rating of 'Does not meet expectations.' [The Director ID/OIOS] bases her assessment, not on appraisals of Appellant's implementation of his various assignments, but (twice) on the 'decision of the Secretary-General.'

22. That 'decision' refers not to the disciplinary measure imposed in [the] letter of 24 January 2005 to Appellant ..., but, to the phrase appearing after the disciplinary decision: 'Moreover, it appears to the Secretary-General that your conduct in this case in allowing non-authorised persons to make wide-ranging inquiries during a confidential investigation of the utmost importance to the United Nations does not only warrant disciplinary sanction but is also indicative of gross incompetence unbecoming an OIOS Investigator of your seniority.' On 8 February 2006, [the

Director ID/OIOS] recorded her decision not to recommend the extension of Appellant's FTA. On 10 April 2006, the Representative of the Secretary-General in her reply to this appeal stated: 'The decision not to renew Appellant's contract was taken in the best interests of the Organization and was not tainted by abuse of power.'

23. On the basis of the above, [the Director ID/OIOS] can be accused either of gross incompetence or improper motivation. Gross incompetence, assuming *arguendo* that her 2005 appraisal of Appellant is correct, shown by her 2003 evaluation and for her assignment of him to clearly difficult and delicate investigations. In the absence of other substantiation, and in the knowledge of [the Director ID/OIOS's] practically contemporaneous promotion to D-2, the Panel put this possibility aside. Moreover, there was considerable evidence of animus and bias on her part. There was the harsh and vindictive tone of her correspondence with Appellant. There were the bogus assignments – busy work – given to him. Additional evidence is provided in the Ackerman report. Footnote 23 on page 50, for example ... '[the Director ID/OIOS] and [the supervisor] were plainly in error in their note dated 4 April 2004 ... when they asserted that the [*Le Monde*] article reported that the CVR [cockpit voice recorder] was on the downed airplane.' (emphasis in original). This 4 April 2004 memo ... was the basis for his recommendation that disciplinary action be instituted against Appellant. Further, in paragraph 99 of the report ... '[the Director ID/OIOS]... denied that disclosure to a journalist was 'the gravamen' of her complaint about [the Appellant], but it is very clear from the contemporaneous documents that the alleged disclosure was indeed the lead charge against [the Appellant].' ... This accusation was the charge dropped by the Administration before the JDC.

24. The Panel has no doubt that having failed to rid herself of Appellant via disciplinary proceedings, [the Director ID/OIOS] set about creating the conditions whereby she could end his appointment by administrative action, and she did so with malice aforethought.

25. It is also clear to the Panel that OHRM was negligent. Even if [the Director ID/OIOS] was ignorant or disrespectful of UNAT rulings, OHRM has a responsibility to see that those rulings are respected. OHRM is surely aware of such rulings, as in Judgement No. 610 (*Ortega, et al.*), respecting the options of disciplinary procedure and administrative action, and Judgement No. 558 (*Faruq*): 'The recommendations of the JDC and similar bodies are advisory and the Secretary-General can go beyond them if, after proper and unbiased consideration, he decides that a more severe penalty is needed either in the interest of the United Nations or for failure by a staff member 'to observe the standards of conduct expected of an international civil servant.' Assuming *arguendo* that the sentence in [the] letter cited in paragraph 22, above (and repeatedly referred to by [the Director ID/OIOS]) resulted from 'proper and unbiased consideration,' then it could have been the basis for a more severe penalty than that decided. However, a penalty having been exacted, it was irresponsible of OHRM to permit [the Director ID/OIOS] to employ that sentence to exact a second more severe penalty for the same alleged misconduct.

26. The Panel ... recalls ... Judgement No. 848 (*Khan*): 'that the Organization must comply with its own procedures, which include the timely evaluations of a staff member's performance' ... and Judgement No. 426 (*Van Branteghem*): 'XIV. It is clear, therefore, in regard to rebuttal procedures of a Performance Review Report, that the right of the staff member to be protected is the right to a report which is accurate, fair and not vitiated by bias or other improper motives.' It must be assumed that OHRM is aware of these Judgements. Nevertheless, despite the fact that Appellant's last valid performance evaluation (see paragraph 21, above) was signed by [the Director ID/OIOS] nearly three years before her recommendation for his separation, OHRM did not hesitate to endorse that recommendation. Not until the appeals process was well under way did the Organization initiate the rebuttal procedure. The Panel finds, therefore, that Appellant's due process rights have not been respected.

27. The majority of the Panel took note of the many charges and counter-charges concerning the three PAS reports. Having already remarked on the belated attention given to the 2003-2004 PAS, the Panel will leave to the Rebuttal Panel the task of dispassionate assessment. The majority

of this Panel would only express the hope that the rebuttal procedure be fully respected, and that it not be treated – as it has been in some cases reviewed by the JAB – as a pro forma exercise engaged in to satisfy the letter of the law and to prevent eventual adverse comment by the Tribunal.

28. As for the two other PAS reports, the Panel is convinced that there is absolutely no possibility that – to employ the terms used by the UNAT in its Judgement No 363 (*De Franchis*)– Appellant can ‘have his performance assessed in an absolutely impartial way’ by [the Director ID/OIOS] or anyone else in OIOS. There is no point, therefore, in the Panel’s view, in making further attempt to complete them.

Findings

29. [The Director ID/OIOS’s] decision to recommend that Appellant’s FTA not be extended was arbitrary and discriminatory, and taken in bad faith. Her improperly motivated actions deprived the Organization of the services of a qualified P-5 staff member over a period of 13 months (22 months including the time he was on suspension with full pay). ...

30. The Administration failed to protect Appellant’s due process rights ...

31. Further attempts to complete the 2004-2005 and 2005-2006 PAS reports would serve no useful purpose and would be a waste of UN resources.

32. Appellant has asked that his FTA be renewed and his conditions of service be regularized. While the Panel can understand Appellant’s desire for vindication, it is convinced that his return to OIOS would not be in his best interest nor those of the Organization.

Recommendation

33. The majority of the JAB Panel recommends to the Secretary-General that:

(a) Appellant be reinstated immediately, his FTA be extended to 31 December 2006, and he be given a temporary assignment appropriate to his qualifications.

(b) OHRM and DPKO [Department of Peacekeeping Operations] be instructed to undertake pro active searches for appropriate longer term assignment of Appellant, given his numerous qualifications and experience.

(c) If he is not placed to his satisfaction by 31 December 2006, he be paid an indemnity of 2 years net base salary for the damage to his career and his reputation.

(d) A copy of this report be placed on his OS file, as well as a statement that the absence of PAS for the period 2004-2006 is explained therein[; and,]

(e) In accordance with the policy of accountability and Staff Rule 112.3, [the Director ID/OIOS] be held fully responsible for any financial loss to the Organization derived from the mismanagement of the resources under her supervision, to include payment for the loss of services of Appellant.

34. It is not within the mandate of this Panel to make general recommendations concerning the operations of OIOS. The Panel members do feel, however, after their consideration of this appeal and their study of the Ackerman report, that it is their duty to recommend to the Secretary-General that he seriously consider the question *Quis custodiet ipsos custodes?*”

A dissenting member of the JAB concluded:

“I agree with the substance of the Panel’s findings, but reserve my comments on the conduct of the PAS rebuttal panel’s work. Any due process comments at this stage by the JAB Panel on the PAS rebuttal panel’s work would be premature and derogatory. My preference would have been to extend the Appellant’s FTA for 3 months and, in the meantime, request that a fast-track PAS rebuttal panel takes place, and that the Parties report its outcome to the JAB Panel for a final JAB recommendation. In the absence of consensus between JAB Panel members on this process, this is my recommendation to the Administration.”

On 25 September 2006, the Under-Secretary-General for Management transmitted a copy of the report to the Applicant and informed him as follows:

“The Secretary-General has examined your case in the light of the JAB’s report and all the circumstances of the case and has decided to accept the findings and conclusions of the JAB. Due to a number of practical reasons, however, he has decided not to accept the recommendations of either the majority or the minority of the JAB.

...

[T]he Secretary-General has decided that you be paid two (2) years net base salary at the rate in effect at the time of the contested decision for violation of your rights ... a copy of the JAB report shall be placed [in] your Official Status file together with a copy of this letter explaining the absence of your PAS for 2004-2005 and 2005-2006.”

On 1 February 2007, the Applicant filed the above-referenced Application with the Tribunal.

Whereas the Applicant’s principal contentions are:

1. The findings of the JAB, having not been contested by the Respondent, are established.
2. The Secretary-General’s decision that returning to OIOS is not in the best interest of the Organization or his, amounts to a negation of the findings, and results in a failure of justice.
3. The Secretary-General’s decision to separate him with compensation does not take into account the harm suffered by him and the violation to his rights.

Whereas the Respondent’s principal contentions are:

1. The Respondent has accepted the findings and conclusions of the JAB.
2. The Respondent acted in the interest of the Organization when it decided not to reinstate the Applicant to his position in OIOS.
3. The Secretary-General is not bound by the JAB’s recommendations.
4. The question before the Tribunal is whether the compensation granted by the Respondent for the failure of the Administration to protect the Applicant’s due process rights was adequate.
5. The Applicant was fully and fairly compensated for the violation of his due process rights and the non-renewal of his appointment.
6. There is no justification for an award of legal fees and related expenses.

The Tribunal, having deliberated from 29 June to 31 July 2009, now pronounces the following Judgement:

I. In Judgement No. 1337 (2007) rendered in the Applicant's case, the Tribunal found that the Applicant's due process rights had been violated by his *de facto* unlawful suspension from 2 to 7 April 2004. The Tribunal granted the Applicant three months' net base salary "as compensation for the harm suffered". It further decided to rescind the Secretary-General's decision to impose a fine in the amount of one month's net base salary for misconduct. The Tribunal agreed:

"...with the majority of the JDC that 'the Administration failed to present a *prima facie* case of misconduct' and that 'the ID Director *exceeded her authority and demonstrated poor managerial judgement*'. (Emphasis added).

II. The present case deals with a subsequent action taken by the same ID Director on 8 February 2006. She recommended the non-renewal of the Applicant's appointment, a decision which the Applicant appealed to the JAB on 28 February 2006. The JAB found that:

"[the ID Director's] decision to recommend that [the Applicant's] FTA not be extended was *arbitrary and discriminatory, and taken in bad faith. Her improperly motivated actions* deprived the Organization of the services of a qualified ... staff member." (Emphasis added).

The majority recommended that

- (a) [The Applicant] be reinstated immediately, his FTA be extended to 31 December 2006 ...
- (b) [The Administration] be instructed to undertake pro active searches for appropriate longer term assignment of [the Applicant], given his numerous qualifications and experience.
- (c) If [the Applicant] is not placed to his satisfaction by 31 December 2006, he be paid an indemnity of 2 years net base salary for the damage to his career and reputation.
- (d) A copy of this report be placed in his OS file ...
- (e) In accordance with the policy of accountability [the ID Director] be held fully responsible for any financial [loss] to the Organization derived from the mismanagement of the resources under her supervision, to include payment for the loss of services of Appellant."

III. The Secretary-General fully accepted the JAB's findings and conclusions that "the decision by the former Director/ID/OIOS (8 February 2006) not to extend (the Applicant's) FTA was 'arbitrary and discriminatory, and taken in bad faith' and that (his) due process rights were violated". However, he did


not fully accept the final recommendations of the JAB and decided that (the Applicant) be paid “two (2) years’ net base salary at the rate in effect at the time of the contested decision...”.

IV. The Applicant requests the Tribunal to rescind the decision of the Secretary-General which rejected both the majority and minority recommendations of the JAB. The Tribunal notes that the Secretary-General is not bound by JAB recommendations. The Tribunal has held that “the refusal of a JAB recommendation is completely within the scope of authority of the Secretary-General, who is not bound to give reasons for such a decision”. (See Judgement No. 937, *Toppin* (1999)). The Tribunal considers that it is important to note that this is a case where the findings of a consultative independent body are *fully accepted*, but a different conclusion was reached by the Secretary-General. The Applicant has not advanced any argument to show that the Secretary-General erred in rejecting the JAB’s recommendations. It therefore finds that the Respondent acted within his discretion to award the Applicant compensation of two years’ net base salary for the violation of his rights.

V. The Applicant further requests the Tribunal to award him “three years’ net base pay as compensation for actual, consequential and moral damages”. Pursuant to article 10 of the Tribunal’s Statute, an indemnity higher than two years’ net base salary can only be ordered in “exceptional circumstances”. In Judgement No. 1008, *Loh* (2001), the Tribunal awarded the applicant compensation beyond the maximum two years’ net base salary. In that case, the Tribunal, “appalled at this blatant harassment of the Applicant” and the “egregious ... harassment and manipulation”, ordered compensation in the amount of 27 months net base salary as indemnity. The Tribunal was satisfied that such an award was justified as the harassment endured by the Applicant constituted “exceptional circumstances”. In the present case, however, these circumstances do not exist. The Tribunal finds that the Applicant has failed to prove “exceptional circumstances” to justify a greater award.

VI. In view of the foregoing, the Tribunal rejects the Application in its entirety.

(Signatures)



Spyridon **Flogaitis**
President



Brigitte **Stern**
Member



Agustin Gordillo
Member

Geneva, 31 July 2009



Tamara **Shockley**
Executive Secretary