E.-S. (Nos. 1 and 2)

v.

EPO

124th Session **Judgment No. 3888**

THE ADMINISTRATIVE TRIBUNAL,

Considering the first complaint filed by Ms J.-A. E.-S. against the European Patent Organisation (EPO) on 17 September and corrected on 4 December 2014, the EPO's reply of 22 June 2015, which was limited to the issue of receivability of the complaint, the complainant's rejoinder of 12 October on the same issue and the EPO's surrejoinder of 3 December 2015;

Considering the second complaint filed by Ms J.-A. E.-S. against the EPO on 26 January and corrected on 4 February 2015, the EPO's reply of 27 May, the complainant's rejoinder of 20 August, corrected on 17 September 2015, and the EPO's surrejoinder of 14 January 2016;

Considering Articles II, paragraph 5, and VII of the Statute of the Tribunal;

Having examined the written submissions;

Considering that the facts of the case may be summed up as follows:

The complainant challenges the decision to dismiss her with immediate effect for misconduct.

The complainant joined the European Patent Office, the EPO's secretariat, in August 2001. At the material time, she was working as a Financial Administration Officer at the Office's headquarters in Munich, Germany. In August 2012 the complainant was informed that the Office had received anonymous letters stating that her diplomas

were false. In January 2013 the President of the Office requested an investigation, which was conducted by the Investigative Unit (IU). In December 2013 the IU issued its report finding that the evidence showed that the diplomas she had provided were false. It therefore recommended initiating disciplinary proceedings and, in light of the gravity of the misconduct, suspending her from service. By a letter of 15 January 2014 the complainant was notified of the President's decision to suspend her with immediate effect until further notice.

On 28 January 2014 the Principal Director of Human Resources submitted a report to the Disciplinary Committee in which she described the facts that allegedly constituted misconduct and stated that the Office considered that the relationship of mutual trust was broken. In view of the very serious nature of the misconduct, the disciplinary measure of dismissal was considered to be justified. In accordance with Article 102(1) of the Service Regulations for permanent employees of the Office, she invited the Committee to deliver a reasoned opinion, which it did on 27 May. The Committee held that the diplomas submitted by the complainant were false and that she had not even been registered as a candidate for the courses and examinations required to obtain these diplomas. It thus found that the proposed disciplinary measure was appropriate and sufficient.

On 26 June 2014 the President notified the complainant that he had decided to dismiss her with immediate effect on the grounds that she had misrepresented her educational qualifications. Given that the fraud involved a considerable number of documents and educational credentials that were essential for her recruitment, the relationship of trust underlying the employment relationship had "irretrievably broken down". The President considered that such misconduct was clearly incompatible with the continuation of her duties. He added that she would receive compensation corresponding to the statutory period of notice, and that in accordance with Article 109 of the Service Regulations, she could file a request for review. That is the decision she impugns in the first complaint she filed with the Tribunal on 17 September 2014.

On 18 September the complainant filed a request for review of the decision of 26 June. By a letter of 7 November 2014 the President

informed the complainant that he had decided to reject the request for review as unfounded since she had not raised any argument to support her view that the contested decision should be set aside. That is the decision she impugns in her second complaint before the Tribunal.

In her first complaint the complainant asks the Tribunal to set aside the impugned decision and to award her moral damages. She also asks the Tribunal to inform the staff of the EPO of the setting aside of the impugned decision, and to award her 5,000 euros in costs.

In her second complaint, she asks the Tribunal to set aside the impugned decision and the decision of 26 June 2014 to dismiss her. She also claims moral damages under various heads together with 7,000 euros in costs.

The EPO asks the Tribunal to dismiss the first complaint as irreceivable for failure to exhaust internal means of redress. With respect to the complainant's claim for costs, it emphasises that it was not made on the complaint form, but merely in the brief, and that she has not provided any evidence of the costs allegedly incurred.

The EPO asks the Tribunal to dismiss the second complaint as unfounded. With respect to the claim for costs, it contends that the complainant has not provided any evidence of the amount she has actually paid. In any event, as she cannot succeed on the merits, she is not entitled to costs.

CONSIDERATIONS

1. In her first complaint, the complainant impugns the President's decision communicated to her in a letter dated 26 June 2014. After examining all documents including the 17 December 2013 report of the IU and the 27 May 2014 reasoned opinion of the Disciplinary Committee, the President decided to dismiss the complainant under Article 93(2)(f) of the Service Regulations, with immediate effect, for misconduct. The complainant was also advised, by that letter, that she could file a request for review in accordance with Article 109 of the Service Regulations,

by email or post via the Conflict Resolution Unit, within a period of three months from the date of notification of the decision.

2. The complainant filed her first complaint directly with the Tribunal on 17 September 2014, without filing the requisite request for review of the decision. The President of the Tribunal allowed the EPO to confine its reply to the issue of the receivability of the complaint.

3. The complainant filed a second complaint with the Tribunal on 26 January 2015 after receiving the final decision of the President of the Office dated 7 November 2014, following her request for review of 18 September 2014, made in accordance with the provisions of Article 109 of the Service Regulations. That request for review challenged the President's decision of 26 June 2014 to dismiss her from service.

4. The complainant bases her complaints on the following grounds:

(a) Decisions taken after consultation of the Disciplinary Committee under Article 102(3) of the Service Regulations are excluded from the internal appeals procedure; thus, Article 109(1) of the Service Regulations, which states in relevant part that "a request for review shall be compulsory prior to lodging an internal appeal", does not apply.

(b) The disciplinary proceedings were flawed as the complainant was unfit to participate, and the EPO gave more weight to the opinion of the EPO's Medical Adviser than to the medical certificates that the complainant had provided and the EPO did not submit the matter to the Medical Committee.

(c) The Disciplinary Committee did not examine the merits of the complainant's objection to the participation of the Chairman of the Committee in the disciplinary proceedings.

(d) The IU relied on the findings of external investigators and consultants "of doubtful competence, position and professionalism"; it did not consider the merits of the analysis of the Cameroonian attorney – appointed by the complainant –

according to whom "the enquiry and the verification [left] much to be desired"; it did not verify whether the complainant had performed the studies and obtained the grades mentioned in the certificates and the diploma.

(e) The impugned decision was based on flawed disciplinary proceedings and thus the factual basis of the impugned decision was questionable.

(f) The complainant "did not forge or alter critical documents which were correct as to their substance and has never become aware of any formal deficiency of them".

5. As the two complaints are based on the same facts and address the same substantial issues stemming from the 26 June 2014 decision to dismiss the complainant from service, the Tribunal finds it convenient to join them.

The complaint has requested oral hearings. The Tribunal is satisfied that the complaint can be fairly and appropriately determined by reference to the written material filed by the parties. Accordingly, no order is made for an oral hearing.

6. Article 109 of the Service Regulations, entitled "Review procedure", provides in relevant part:

"(1) A request for review shall be compulsory prior to lodging an internal appeal, unless excluded pursuant to paragraph 3.

(2) It shall be submitted within a period of three months to the appointing authority which took the decision challenged. This period shall start to run on the date of publication, display or notification of the decision challenged. [...]

(3) The following decisions shall be excluded from the review procedure:

(a) decisions taken after consultation of the Medical Committee or in accordance with the arbitration procedure laid down in Article 62, paragraph 13;

(b) staff reports referred to in Article 47.

(4) [...]."

7. Article 110 of the Service Regulations, entitled "Internal appeal procedure", provides in relevant part as follows:

> "(1) An internal appeal shall be lodged within a period of three months, through the Appeals Committee, with the appointing authority which took the decision challenged. The period of three months shall start to run on the date of publication, display or notification of the decision challenged. [...]
>
> (2) The following decisions are excluded from the internal appeal procedure:
>
> (a) decisions taken after consultation of the Medical Committee or in accordance with the arbitration procedure laid down in Article 62, paragraph 13;
>
> (b) decisions taken on requests to carry on working after reaching the age of sixty-five under Article 54, paragraph 1;
>
> (c) decisions taken after consultation of the Disciplinary Committee in accordance with Article 102, paragraph 3;
>
> (d) decisions taken on requests to perform duties at a location other than the Office's premises pursuant to Article 55a and any implementing instructions thereto.
>
> (3) [...]."

8. Article 113 of the Service Regulations, entitled "Complaints to the Administrative Tribunal of the International Labour Organization", provides that:

> "A complaint may be filed with the Administrative Tribunal of the International Labour Organization in accordance with its Statute once a decision is final, when internal procedures are either excluded or otherwise exhausted."

9. The decision being challenged was taken after the conclusion of the proceedings of the Disciplinary Committee and was therefore, in accordance with Article 110 of the Service Regulations, not subject to an internal appeal but it was not excluded from the review procedure. The request for review of the decision prior to filing a complaint with the Tribunal was compulsory in accordance with Article 109 of the Service Regulations. This conclusion stems logically from comparison between the two cited provisions regarding decisions taken after consultation of the Medical Committee or in accordance with the arbitration procedure which are explicitly excluded from both the review and internal appeal procedures, and decisions taken after

consultation of the Disciplinary Committee, which are explicitly excluded only from the internal appeal procedure.

10. Prior to filing her first complaint with the Tribunal, the complainant did not request a review of the 26 June 2014 decision. As she did not challenge a final decision in accordance with Article 113 of the Service Regulations, she did not satisfy the requirement of Article VII, paragraph 1, of the Statute of the Tribunal that all internal means of redress be exhausted and the Tribunal finds her first complaint to be irreceivable. Consequently, the first complaint must be dismissed and, in the following considerations, the Tribunal will examine only the issues raised by the second complaint.

11. The EPO received two identical anonymous letters in August 2012, stating essentially that the complainant had submitted false certifications in order to secure employment with the EPO. On 5 October 2012, the complainant agreed to allow an external organization specialized in international education certificate verification, "Netherlands organisation for international cooperation in higher education" *[Nederlandse organisatie voor internationale samenwerking in het hoger onderwijs]* (NUFFIC), to conduct a preliminary examination of her diplomas. In November 2012 the NUFFIC identified a number of serious deficiencies in the certificates that the complainant had provided. Consequently, the President requested that an investigation be conducted by the IU.

12. The allegations investigated by the IU were as follows:

"(a) [...] the General Certificate of Education Examination dated from 1989 and presented by [the complainant] upon recruitment was obtained fraudulently;

(b) [...] the General Certificate of Education Examination, Advanced Level, dated from 1991 and presented by [the complainant] upon recruitment was obtained fraudulently;

(c) [...] the diploma dated 2002 certifying graduation from the University of Yaoundé I in 1994 with a Bachelor's degree in Geography/ Economics and presented by [the complainant] upon recruitment was obtained fraudulently;

(d) [...] the information in [the complainant's] background form provided upon joining the European Patent Office was purposefully false;

(e) [...] the diploma, dated 2004 certifying graduation with a B.Sc. [Bachelor of Science] degree in Business Administration from 'Hartford University' was obtained from an institution which neither, in fact, provides, nor is certified to provide, higher education."

13. In its report, dated 17 December 2013, the IU concluded inter alia that all of these allegations were well founded, and noted that "[t]he overwhelming evidence thus point[ed] to the fact that the certificates [had been] falsified. The facts established [were] conclusive, and it [was] not expected that any further delays would result [in] new information becoming available. Due to this evidence of a history of falsification and forgery, however, IU note[d] the risk of being provided with further falsified information or documents." It therefore recommended that the President consider the initiation of disciplinary proceedings and, in light of the gravity of the misconduct, also consider suspending the complainant from duties in accordance with Article 95 of the Service Regulations. The complainant was suspended from service on 15 January 2014. In the report dated 28 January 2014, the Principal Director of Human Resources stated that the complainant's behaviour amounted to "serious and gross misconduct" which violated the standards of "integrity and conduct" required under Article 5(1) of the Service Regulations, and breached Article 14(1) of the Service Regulations which requires permanent employees to carry out their duties and conduct themselves solely with the interests of the EPO in mind. She invited the Disciplinary Committee to deliver a reasoned opinion on the facts presented in the report, in accordance with Article 102(1) of the Service Regulations.

14. In its reasoned opinion, dated 27 May 2014, the Disciplinary Committee unanimously concluded that the certificates presented by the complainant were false, and that the complainant must have been aware that the certificates in her possession were false and that she did not possess the corresponding qualifications. It also found that she had knowingly made false statements on her application form (with regard to those qualifications) in order to gain employment under false pretences with the EPO and to obtain a higher grade and step. It concluded that

dismissal under Article 93(2)(f) of the Service Regulations, which provides that dismissal and where appropriate "reduction in the amount [...] of the retirement pension" is a possible disciplinary measure, was the appropriate disciplinary measure, but that a reduction in the amount of the complainant's retirement pension would be inappropriate.

15. The complainant's claim that the disciplinary proceedings were flawed because she was unfit to participate personally in the disciplinary proceedings for health reasons, is unfounded. The complainant appointed a representative on 7 February 2014. She submitted several medical certificates (dated 13 February, 24 February and 23 April 2014) stating that she was unfit to work, or unfit to participate in the proceedings and she requested that the proceedings be postponed. On 25 February 2014 the EPO requested that the disciplinary proceedings be suspended pending clarification of the relevant circumstances. The Director of the Medical Advisory Unit, a medical doctor, met with the complainant at her home on 27 March 2014 after two other unsuccessful scheduled attempts to visit the complainant at home for an examination. He informed the EPO via email the next day that he had been unable to medically examine the complainant as she had refused the visit stating that her lawyer and her treating doctor had strongly advised her not to accept any medical examination by a doctor sent by the EPO. On 3 April 2014 the EPO requested that the disciplinary proceedings be resumed, stating inter alia that the complainant had refused to cooperate with the mandatory medical examinations ordered by the EPO in accordance with Article 26 of the Service Regulations (on 24 February, 25 February, and 27 March 2014) and that "in view of the above uncooperativeness, the Office [could not] accept that the [complainant was] unable to follow the initiated disciplinary proceedings, i.e. not able to understand the meaning of the proceedings and defend herself accordingly". The complainant was informed by letter of 8 April 2014 from the Chairman of the Disciplinary Committee that the disciplinary proceedings would continue and that a hearing was scheduled for 6 May 2014.

16. A medical expert appointed by the Office met with the complainant at the request of the EPO on 4, 9 and 14 April 2014. The expert was tasked with establishing whether the complainant's health

condition posed, as alleged by the complainant, "a threat to her life" or whether her condition "generally allow[ed] her to communicate and understand/exercise her rights within administrative proceedings". The medical expert found that the complainant was capable of taking part in a hearing and of understanding the proceedings in full, and that her participation in the hearing would not pose a threat to her life.

17. The complainant did not take part in the hearing before the Disciplinary Committee but was represented by her lawyer. The Disciplinary Committee found that the complainant had not adequately proved that she was medically unfit to participate in the proceedings or that she was not medically in a position to brief her representative on the substance of the case. In the present complaint, the complainant contends that the Disciplinary Committee could not conclude that she was medically fit solely on the basis of the submissions from the Director of the Medical Advisory Unit, and that the Disciplinary Committee had to convene a Medical Committee in accordance with Article 90(1), second paragraph, of the Service Regulations.

18. Article 90 of the Service Regulations, under the heading "Duties", provides in relevant part as follows:

> "(1) The Medical Committee shall be responsible for determining action to be taken at the expiry of the maximum period of sick leave provided for in Article 62, paragraph 7, and for determining, for the purposes of these Regulations, whether a permanent employee meets the definition of invalidity laid down in Article 62a, except for questions dealt with under the arbitration procedure provided for in Article 62, paragraph 13.
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> In its three-member composition, it shall also be competent to decide upon all disputes relating to medical opinions expressed for the purposes of these Service Regulations, on the one hand by the medical officer designated by the President of the Office and, on the other, by the permanent employee concerned or his medical practitioner.
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> (2) Cases shall be submitted to the Medical Committee either on the initiative of the President of the Office or at the request of the permanent employee concerned.
>
> (3) [...]."

19. Article 26 of the Service Regulations, entitled "Medical examination", provides in relevant part as follows:

> "(1) [...]
>
> (2) A permanent employee shall submit to any medical examination provided for in these Service Regulations or ordered by the President of the Office in the interests of the staff or of the service. The terms and conditions under which such medical examinations are performed shall be laid down by the President of the Office."

20. The Tribunal observes that, in accordance with Article 90(1), second paragraph, of the Service Regulations, involvement of the Medical Committee is not mandatory, and the complainant did not request at the relevant time, that the issue be submitted to the Medical Committee in accordance with Article 90(2). Moreover, the complainant has not produced any evidence to indicate that the assessment made by the EPO Medical Adviser was flawed. Regarding a similar issue, the Tribunal found in Judgment 1180, under consideration 4:

> "The complainant argues that the [organisation] ought to have consulted an independent doctor. But there was no requirement in the rules that it refer the complainant's case to outside doctors; indeed the Director General was right to rely on [the organisation's] own medical officer, who was authorised to assess the position both by his own lights and in view of the opinion expressed by the complainant's own doctor.
>
> The complainant has not adduced any evidence to suggest that the [organisation's] medical officer made an improper assessment either of the state of the complainant's health or of the nature of the treatment he received at the clinic. There is therefore no reason for the Tribunal to seek further expert advice on issues that the Director General appears to have properly decided on the advice of the [organisation's] medical officer."

21. As noted above, Article 26 of the Service Regulations provides that employees are required to submit to medical examinations provided for in the Service Regulations or ordered by the President in the interests of the staff or of the service. Article 90(2) of the Service Regulations provides that Medical Committees may be consulted regarding medical disputes if requested by the employees or the President. In the present case, neither party had requested the intervention of the Medical Committee. The Tribunal notes that the Disciplinary Committee

did not violate any rules in finding that the complainant was fit to participate in the disciplinary proceedings. The Tribunal notes that, though the complainant did not attend the hearings, she participated throughout the disciplinary proceedings by communicating with the organization through multiple submissions and requests for additional time to submit documents (specifying that the deadlines were too short to prepare her defence) both personally and through her representative.

22. The argument that the Disciplinary Committee acted unlawfully in not examining the merits of the complainant's objection to the participation of the Chairman in the disciplinary proceedings, is unfounded. The Disciplinary Committee responded to the complainant's objection in paragraph 4.2 of its final report, as follows: "according to Article 98(5) [of the Service Regulations] a defendant in disciplinary proceedings may make objection in respect of any of the members of the Disciplinary Committee 'other than the Chairman' [original emphasis]. In view of this exclusion the Disciplinary Committee finds that the defendant's objection against the Chairman is not receivable. As the objection is not receivable, the reasons given need not be addressed." The Tribunal finds that the Disciplinary Committee was correct to exclude the objection on the basis of receivability.

23. The complainant raises the same objection in the present proceedings, asserting that Article 98(5) of the Service Regulations cannot reasonably be interpreted as excluding objections to the Chairman of the Committee, as this would violate the right to due process. She submits that the Chairman lacked independence as he was under pressure from the EPO to conclude the proceedings quickly; accepted the request of the EPO to suspend the proceedings pending the clarification of the complainant's health situation; and reopened the disciplinary proceedings upon the EPO's request following the notification by the medical expert that the complainant was fit to participate. These elements do not show a lack of independence. They represent a lawful exercise of the Chairman's power in conducting the disciplinary proceedings. Article 102(1) of the Service Regulations on decisions of the Disciplinary Committee provides, inter alia, that the

Committee "shall, by majority vote, deliver a reasoned opinion on the disciplinary measure appropriate to the facts complained of and transmit the opinion to the appointing authority and to the employee concerned within one month of the date on which the matter was referred to the Committee. The time limit shall be three months where an inquiry has been held on the instructions of the Committee." It was proper for the Disciplinary Committee to seek to complete the proceedings within an efficient timeframe. The complainant asserts that the Chairman was a Principal Director and, as such, would answer to the President. This is not a vitiating element in itself as the independence of the Disciplinary Committee is provided for under Article 99(1) of the Service Regulations, which states that "[m]embers of the Disciplinary Committee shall be completely independent in the performance of their duties". The complainant has not provided any probative evidence to support her allegations of lack of independence on the part of the Chairman.

24. The complainant objects to two deputy members participating in the disciplinary proceedings in place of two members who were not available for the rescheduled hearing date. The Tribunal notes that the complainant was notified on 3 February 2014 of the composition of the Disciplinary Committee, including of the names of the Chairman, the four members, and the four deputy members. She had five days from that notification to object to any of the members or deputy members in accordance with Article 98(5) of the Service Regulations, which provides, in relevant part, that "[w]ithin five days of the drawing of lots for forming the Disciplinary Committee, the employee concerned may make objection in respect of any of its members other than the Chairman". As she did not object to the deputy members at that time, she was time-barred from objecting to their participation at the later date when she was informed that they would attend the hearing in place of the two unavailable members.

25. The complainant claims that the IU relied on the findings of external investigators and consultants "of doubtful competence, position and professionalism", that it did not consider the merits of the analysis of the Cameroonian attorney according to whom "the enquiry and the verification [left] much to be desired", and that it did not verify whether

the complainant had performed the studies and obtained the grades mentioned in the certificates and the diploma, are unfounded.

26. In examining the validity of the allegations presented in the anonymous letters received in August 2012, the EPO relied first on a preliminary examination of the documents by an external expert, NUFFIC. This was followed by a thorough investigation by the IU which included: extensive research into the background of the academic institutions which had allegedly provided the documents in question, verification of the addresses provided for "Hartford University" and affiliated organizations, consultation with an expert on falsified diplomas and university certificates in the United States of America, interviews with the complainant, and coordination with an external expert investigator recommended by a fellow member organization of the Conference of International Investigators. This expert was a professor emeritus from the University of Douala, Cameroon, who collected documentary evidence from the Ministry of Secondary Education of the Republic of Cameroon and from the University of Yaoundé I, interviewed witnesses, and presented a report with his findings. This report was presented to and commented on by the complainant prior to the issuance of the IU's final report of findings to the President on 17 December 2013.

27. The Tribunal lists here some of the evidence cited by the IU, which led to the finding that all allegations were founded, in order to give an indication of the kind of evidence provided. These examples include, but are not limited to, the following:

- Errors in the formatting of the certificates including font variations, missing dates, and misplacement of copy protection lines;
- Blurred and/or pixilated stamps, coat of arms, and signatures which would not occur on authentic, hand-signed and hand-stamped documents;
- Incorrect names for responsible signatories at the relevant time (for example, the Minister of Secondary Education and the

Dean of the Faculty of Arts, Letters and Social Sciences) and misspellings of Faculty Departments and subjects;

- Incorrect document numbers, registration numbers, course subjects displayed, and certificate number formats;
- Identical smudges, spots and smears on the letterhead and seals of both the Ordinary and Advanced level certificates as well as identical signatures (though they were supposedly awarded years apart) which indicate photocopying of a base certificate;
- Confirmation of forged signature (recognized as a "crude imitation" by the signatory himself);
- The language of teaching and research at the University of Yaoundé I is French but the complainant was barely capable of understanding basic French at the time of joining the EPO;
- Lack of any dissertations or thesis publications;
- A "Geography/Economics" degree would not have been possible as geography was taught at the Faculty of Arts, Letters and Social Sciences of the University (now the University of Yaoundé I) whereas economics was taught at the Faculty of Economics (now, at the University of Yaoundé II);
- "Hartford University" is not an accredited university but is merely provided as a name and post office box address used by a recognized "diploma mill" (a business that issues and sells false certificates by non-existing universities).

28. In summary, the Tribunal finds that the "overwhelming evidence" presented by the IU, reviewed and accepted by the Disciplinary Committee and the President of the Office, was specific and convincing and that the complainant has failed to substantiate her assertions that the external investigators and consultants were "of doubtful competence, position and professionalism". The Tribunal finds no error in the conclusions drawn, i.e. that the certificates are false and that the complainant was guilty of serious misconduct. It is important to note that the complainant did not provide any evidence to refute the findings of the IU: she did not provide any witnesses in the form of fellow students who could confirm her participation in the programs or at the

exams, she did not produce copies of any dissertations or thesis papers, and she was unable to provide any material showing that she took online classes for "Hartford University". In addition, she did not speak the language of the relevant university in Cameroon. Therefore, the EPO did not err in finding that the complainant was aware of the fact that she did not complete the course of studies required to acquire the degrees and diplomas she claimed and thereby knowingly presented false certificates to the EPO to gain employment and to further her career. The fact that she did so over a period of several years shows a flagrant disregard for the EPO rules as well as violation of the principle of good faith. In light of this, the disciplinary sanction of immediate dismissal was not disproportionate.

29. The complainant claims that the IU did not consider the merits of the analysis of the Cameroonian attorney, according to whom "the enquiry and the verification [of the evidence left] much to be desired", and did not verify whether the complainant had performed the studies and obtained the grades mentioned in the certificates and the diploma. These claims are unfounded. The IU addressed the merits of the analysis of the Cameroonian attorney, and confirmed that there were no records which showed that the complainant had attended classes or taken the exams at the schools listed on the false certificates. In that regard, the IU stated in paragraphs 77 to 82 of its report, as follows:

> "77. The comments were prepared by [the Cameroonian attorney] in Cameroon. The comments do not concern the substance of the findings [of the IU], but rather attempt to cast a shadow of doubt upon the credibility of the confirmations obtained from the Government contacts and University representatives in Cameroon.
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> 78. It is noted, firstly, that the credibility of the expert employed by [the] IU is beyond any doubt. The expert neither has a personal interest in the matter nor any other reason to falsely claim that [the complainant's] certificates were falsified. The contract concluded with the expert specifically provid[ing] that the expert would be paid the same fees for his services whether he was able to prove that the certificates were authentic or false, or whether he found that it was not possible to obtain verification as to whether they were authentic or false.
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> 79. Secondly, it is further noted that the expert presented conclusive evidence which also fit the irregularities already established previously [by NUFFIC], and which are neither addressed nor explained by [the complainant's] comments.

> 80. Thirdly, the assertions in Counsel's statement are misleading on some points, and confirm the findings on others; at no point do they put into question the veracity of the findings.
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> 81. As Counsel asserts, verification of G.C.E. certificates is done by the Ministry of Secondary Education, G.C.E. department; this was, however, the case in the present investigation, as the report from the liaison officer, sealed with the official ministry stamp and signed, confirms.
>
> 82. As Counsel further holds, the verification of university documents is done by the office of the dean of the faculty concerned, again as was done in this case. The Vice Rector of the University, who was the alleged signatory of the certificate presented by [the complainant], identified a forgery of his signature, whereupon he referred the matter to the faculty for verification. The Vice Dean of the Faculty of Arts, Letters and Social Sciences then confirmed, signed and sealed, with the faculty's official stamp, the finding that the documents were falsified, and that no records exist of [the complainant] at the faculty."

30. The Tribunal finds that the 26 June 2014 decision to dismiss the complainant from service for serious misconduct is lawful. The proceedings leading to that decision show no flaws and the complainant has not provided any convincing evidence to rebut the allegations made against her, the findings of the NUFFIC, the IU, and the Disciplinary Committee, or the conclusions of the President in his final decision of 7 November 2014. In light of the above considerations the second complaint must also be dismissed.

DECISION

For the above reasons,

The complaints are dismissed.

In witness of this judgment, adopted on 17 May 2017, Mr Giuseppe Barbagallo, Vice-President of the Tribunal, Ms Dolores M. Hansen, Judge, and Mr Michael F. Moore, Judge, sign below, as do I, Dražen Petrović, Registrar.

Delivered in public in Geneva on 28 June 2017.

GIUSEPPE BARBAGALLO

DOLORES M. HANSEN

MICHAEL F. MOORE

DRAŽEN PETROVIĆ