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Media relations  
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## **Press Release**

**regarding judgment A-7410/2018 of 18 May 2020**

### **Commander of a border guard region rightly transferred**

**The command of the Swiss Border Guard transferred the commander of Region IV to another location and another role at the end of 2018. The Federal Administrative Court (FAC) confirms the disciplinary measures imposed.**

Due to various problems relating to personnel management that emerged in May 2018, the commander of the Swiss Border Guard Region IV was temporarily relieved of his role in August 2018 and transferred to a new role under the command of the Border Guard in Bern. In this context, the responsible Swiss Federal Department of Finance (FDF) initiated a criminal and an administrative investigation, the latter being suspended until the results of the criminal investigation were available. In November 2018, the Swiss Federal Customs Administration (FCA) informed the person concerned of his definitive suspension as commander of Border Guard Region IV because of a breakdown in confidence. The person concerned lodged an appeal against this decision with the Federal Administrative Court (FAC).

#### **Loss of confidence**

The FAC now confirms the measure by the lower court. Firstly, a loss of confidence amongst personnel in their commander made appropriate leadership extremely difficult. Secondly, the commander did not inform his superiors of the problems at hand with the necessary diligence and speed. This also damaged the relationship of trust with his command and his direct superiors.

On the basis of these facts and given the particular aspects of the role of commander of a Border Guard region, the FCA had no choice but to transfer the person concerned in order to ensure duties are properly fulfilled.

This judgment may be appealed to the Federal Supreme Court.

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**About the Federal Administrative Court**

Located in St. Gallen, the Federal Administrative Court (FAC) was established in 2007. With its staff of 355 employees (300.8 FTE) and its 74 judges (66.25 FTE) it is the largest federal court in Switzerland. The Federal Administrative Court has jurisdiction to hear appeals against decisions rendered by Swiss federal authorities. In specific matters, the FAC may grant review on decisions rendered by cantonal authorities. Recourse actions are also reviewed by the Court. The FAC is composed of six divisions. It renders an average of 7,500 judgments every year.