

UNDT/2009/014, Parker

UNAT Held or UNDT Pronouncements

UNDT found that in as much as the Applicant's situation regarding promotion was re-examined by the Administration, not at the Applicant's request but on the Administration's initiative, the Applicant could not seriously assert that he was unable to inform the Appointment, Posting and Promotions Board (APPB) of the mistakes contained in his file. However, UNDT found that the Applicant had the right to contest before the Tribunal the decision notified to him on the grounds that the APPB would have founded its non-recommendation for promotion on incorrect facts. Regarding the Applicant's allegation that he was recommended for promotion by his superiors in 2005 and 2007, UNDT found that the Applicant failed to produce any document demonstrating the veracity of such allegation and that, particularly from the matrix of points that constituted one of the basis for the establishment by UNHCR of the list of promotions according to the Methodology and the Procedural Guidelines of the APPB, even after correction in his favour of a small mistake in the calculation of points, the total score obtained would not have permitted him to be recommended for promotion. Finding that the Applicant had not established the illegality of the contested decision, UNDT rejected the requests to order UNHCR to grant him a promotion and to compensate him for the damage resulting from loss of salary and moral damage. UNDT further found that no provision in the UNDT Statute gives competence to the Judge to order the Chief of the Recruitment and Postings Section to provide his apologies in writing to the Applicant and rejected the request. UNDT also rejected the request for full reasons and information, finding that the Administration had provided all the relevant information.

Decision Contested or Judgment/Order Appealed

The Applicant contested the recommendation to dismiss his recourse against his non-promotion and the acceptance of this recommendation by the United Nations High Commissioner for Refugees. The Applicant further requested that the Chief of the Recruitment and Postings Section be ordered to provide him a written apology

and that the Division of Human Resources Management (DHRM) be ordered to provide full reasons for its decision not to promote him.

Legal Principle(s)

No provision in the UNDT Statute gives competence to the Judge to order the Chief of the Recruitment and Postings Section to provide his apologies in writing.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Parker

Entity

UNHCR

Case Number(s)

UNDT/GVA/2009/014

Tribunal

UNDT

Registry

Geneva

Date of Judgement

26 Aug 2009

Duty Judge

Judge Cousin

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Compensation

Staff selection (non-selection/non-promotion)

Full and fair consideration

Applicable Law

UNDT RoP

- Article 26