

# UNDT/2009/095, Sefraoui

## UNAT Held or UNDT Pronouncements

Outcome: Application dismissed as the preponderance of evidence demonstrated that the applicant's candidature had been given full and fair consideration.

## Decision Contested or Judgment/Order Appealed

Despite having many years of experience as an Arabic translator, the applicant was not short-listed for two P-4 positions as a reviser. The applicant contended that the selection process had been flawed by several shortcomings.

## Legal Principle(s)

Under a staff member's employment contract, in any case of appointment or promotion the Secretary-General must comply with all the statutory instruments (UN Charter, regulations, rules, administrative issuances, etc) and established practices. The persons evaluating a candidate's qualifications must do so rationally and fairly in the sense and to the extent necessary to reasonably assess his claims as against others competing with him, taking into account and appropriately weighing up all relevant matters free of any bias and irrelevant considerations and based upon accurate information in so far as it could be reasonably ascertained. Cases should be determined by the preponderance of evidence rather than by imposing an a priori burden of proof on the staff member. If the evidence is evenly balanced, the impugned administrative decision should be regarded as unjustified since the Administration has the contractual obligation of making decisions for reasons that are accurate, sufficient and proper.

## Outcome

Dismissed on merits

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Sefraoui

## Entity

DGACM

## Case Number(s)

UNDT/NY/2009/024/JAB

## Tribunal

UNDT

## Registry

New York

## Date of Judgement

24 Dec 2009

## Duty Judge

Judge Shaw

## Language of Judgment

English

French

## Issuance Type

Judgment

## Categories/Subcategories

Burden of proof

Non-disciplinary

Staff selection (non-selection/non-promotion)

Selection decision

## Applicable Law

Secretary-General's bulletins

- ST/SGB/2001/8

UN Charter

- Article 8

UNDT Statute

- Article 3.1(b)

## Related Judgments and Orders

UNDT/2009/088

UNDT/2009/083

UNDT/2009/092