

# UNDT/2010/063, Weiler

## UNAT Held or UNDT Pronouncements

The apportionment of points was not done fairly or objectively in two respects:-  
Experience: logically, either both the Applicant and the selected candidate should have received the maximum 50 points or the Applicant should have been given more than the selected candidate.- Languages: the Applicant's had five less points than the selected candidate. An objective evaluation would have given her more.  
Outcome: The Tribunal found that evaluation of the Applicant's candidacy for the concerned position was not carried out in a full and fair manner and awarded her compensation in the amount of 4 months of her final net base salary.

## Decision Contested or Judgment/Order Appealed

The Applicant applied for a promotion. A minimum of eight years of relevant experience, as well as "very good ability to read, write and speak English and French or Spanish" was required, "knowledge of the third language highly desirable". The Applicant was shortlisted and interviewed, but not selected. The Applicant had over twenty years of relevant experience; English was her mother tongue, she was proficient in French and had a UN official Certificate of Proficiency in Spanish. The selected candidate had nine years of relevant experience, was fluent in English and French and had no certificate proving her knowledge of Spanish. As per the written evaluations of the candidates (including a narrative section and a numerical rating of each qualification), both the Applicant and the selected candidate were given 20 points, out of a maximum of 50, for experience. The Applicant was given 20 points for languages; her Spanish was qualified as very limited. The successful candidate, described as having limited Spanish, had 25. The interviewing panel stated some negative comments on the Applicant's skills. The Applicant's total score was 80 points, the selected candidate's 85.

## Legal Principle(s)

N/A

## Outcome

Judgment entered for Applicant in full or in part

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Weiler

## Entity

OHCHR

## Case Number(s)

UNDT/GVA/2010/010

## Tribunal

UNDT

## Registry

Geneva

## Date of Judgement

13 Apr 2010

## Duty Judge

Judge Shaw

## Language of Judgment

English

French

## Issuance Type

Judgment

## Categories/Subcategories

Staff selection (non-selection/non-promotion)

Full and fair consideration

## Applicable Law

Administrative Instructions

- ST/AI/2002/4

Former Staff Regulations

- Regulation 4.3

UN Charter

- Article 101.3