

UNDT/2011/208, Ljungdell

UNAT Held or UNDT Pronouncements

The Tribunal examined whether the compensation granted to her by the Respondent was adequate to provide reparation for the damage she suffered as a result of the irregularities committed. The Tribunal found that none of her allegations was proven. It considered that the Applicant did not suffer any material damage as a result of the contested decision and that the compensation already given to her was sufficient to repair any moral damage. Selection procedure: It is for the Administration to determine the suitability of each candidate and the Tribunal should not substitute its judgment to that of the Secretary-General in the assessment of a candidate's suitability for a given post. Only in rare circumstances, such as failure to give fair consideration to a candidate, discrimination of bias, departure from proper procedure and failure to consider relevant material, may the Tribunal rescind a selection decision. Burden of proof: The party who alleges a fact bears in principle the burden of proving its veracity. Outcome: Application rejected on the merits

Decision Contested or Judgment/Order Appealed

The Applicant contests the High Commissioner's decision not to select her for a post at the P-5 level.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Ljungdell

Entity

UNHCR

Case Number(s)

UNDT/GVA/2010/105

Tribunal

UNDT

Registry

Geneva

Date of Judgement

8 Dec 2011

Duty Judge

Judge Laker

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Burden of proof

Compensation

Non-pecuniary (moral) damages
Pecuniary (material) damages
Staff selection (non-selection/non-promotion)
Full and fair consideration

Related Judgments and Orders

2010-UNAT-042
2010-UNAT-076
2010-UNAT-081
2011-UNAT-110
2011-UNAT-122
2011-UNAT-178