

UNDT/2012/023, Charles

UNAT Held or UNDT Pronouncements

The Tribunal is satisfied that since the Post was advertised well before the expiry of the roster on which the successful candidate's name was included, the successful candidate was eligible to be selected from the roster and the decision to select him from the roster was, hence, proper. The Tribunal finds that as a roster candidate the Applicant should have been informed by the hiring manager within 14 days after the selection decision was made in writing. The Tribunal finds that even in the absence of a clearly stated timeframe for notifying applicants who have been eliminated prior to the assessment process, the Organization is required to notify such applicants within a reasonable time. The Tribunal finds that the Applicant has failed to substantiate his claim of harm because of the delay in notification. There is no basis for an award of compensation.

Decision Contested or Judgment/Order Appealed

The Applicant's non-selection for a post.

Legal Principle(s)

In the absence of a specific timeframe for notification in the policy, the notification of non-selection ought to be provided within a reasonable amount of time. Compensation may only be awarded if it has been established that the staff member actually suffered harm. A failure to notify a staff-member of non-selection may cause damage by preventing the staff member's preparation for seeking other positions.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Charles

Entity

OCSS

Case Number(s)

UNDT/NY/2011/057

Tribunal

UNDT

Registry

New York

Date of Judgement

14 Feb 2012

Duty Judge

Judge Shaw

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Staff selection (non-selection/non-promotion)

Eligibility

Full and fair consideration

Applicable Law

Administrative Instructions

- ST/AI/2010/3