

# UNDT/2012/024, Charles

## UNAT Held or UNDT Pronouncements

The Tribunal rejects the Applicant's submission that the expert panel did not; have the authority to compile a list of recommended candidates to the Director of the department based on its assessment of all the candidates participating in the selection process.; There is no requirement in any of the regulations, rules or policies of the; Organization for all expert panel members to undergo training in competency-based interviewing.; The Tribunal concludes that the fact that one out of three members of the expert; panel who interviewed that Applicant had not received competency-based training in interviewing does not in and of itself results in a breach of the Applicant's rights. There is no relevant legal instrument which accords such a right.; The Applicant has not shown through clear and convincing evidence that he was denied a fair chance of promotion.; There is no evidence at all before the Tribunal that the expert panel committed; any procedural or other errors that had any impact on the selection process. On the contrary, as documented, the selection process in all respects followed the; comprehensive system prescribed by ST/AI/2010/3.

## Decision Contested or Judgment/Order Appealed

The Applicant's non-selection for a post.

## Legal Principle(s)

The primary burden is on the Applicant provided that the Respondent can minimally show that the Applicant was given full and fair consideration. The Appeals Tribunal will not approve the award of compensation when absolutely no harm has been suffered and any detected procedural irregularity is considered inconsequential.

## Outcome

Dismissed on merits

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Charles

## Entity

DM

## Case Number(s)

UNDT/NY/2011/061

## 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)

Full and fair consideration

Interview

## Applicable Law

Administrative Instructions

- ST/AI/2010/3

GA Resolutions

- A/RES/61/822