

UNDT/2012/123, Neault

UNAT Held or UNDT Pronouncements

Starting date of the 90-day time limit to file an application: The UNDT Statute prescribes that an application before the Tribunal must be filed within 90 days following receipt of the Administration's response to the request for management evaluation. If the Administration replies after the response period for the management evaluation but before the expiry of the 90-day period, the 90-day period to file an application before the Tribunal starts running again from the date the response is given. Evaluation criteria: It is clear from ST/AI/2006/3/Rev.1 and the Guidelines for programme case officers on building vacancy announcements and evaluation criteria under ST/AI/2006/3/Rev.1 that the criteria to be used in evaluating candidates must be clearly stated in the vacancy announcement.

Decision Contested or Judgment/Order Appealed

The Applicant, a former staff member of the ICTY, challenges the decision not to select her for a post of Judges' Assistant in Chambers on the grounds that she had an apparent conflict of interest due to her former association with the Office of the Prosecutor. She received a response to her request for management evaluation after the expiry of the response period and she filed her application within 78 days from the receipt of this late response. The UNDT found that the application was receivable and that the Administration had erred in basing the non-selection decision solely on the criterion of appearance of a conflict of interest since this criterion had not been mentioned in the vacancy announcement. It awarded the Applicant 2,000 euros as compensation for her moral damage.

Legal Principle(s)

N/A

Outcome

Judgment entered for Applicant in full or in part

Outcome Extra Text

Only financial compensation

Full judgment

[Full judgment](#)

Applicants/Appellants

Neault

Entity

ICTY

Case Number(s)

UNDT/GVA/2011/002

Tribunal

UNDT

Registry

Geneva

Date of Judgement

9 Aug 2012

Duty Judge

Judge Laker

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Subject matter (*ratione materiae*)

Temporal (*ratione temporis*)

Staff selection (non-selection/non-promotion)

Full and fair consideration

Applicable Law

Administrative Instructions

- ST/AI/2006/3/Rev.1
- ST/AI/2010/3

Staff Rules

- Rule 11.2

UNDT RoP

- Article 34(a)

UNDT Statute

- Article 10.5
- Article 10.7
- Article 8.1

Related Judgments and Orders

UNDT/2010/102

UNDT/2010/159

UNDT/2010/179

UNDT/2011/159

UNDT/2012/030

UNDT/2012/031

2010-UNAT-042

2010-UNAT-095

2011-UNAT-118

2011-UNAT-172

2011-UNAT-179

2012-UNAT-201