

# UNDT/2012/166, Dualeh

## UNAT Held or UNDT Pronouncements

Non-promotion: As regards promotions and considering the discretionary nature of these decisions, the Tribunal's role is only to review the legality of the procedure followed in line with the procedural and legal framework of the 2009 UNHCR annual promotions session, its methodology and to examine whether an irregularity vitiated a significant chance for promotion. The Applicant was not promoted due to the fact that there were candidates who had obtained a higher score during the evaluation process. The Tribunal further noted that although mistakes occurred, which were then corrected and adequately taken into consideration in the examination of the Applicant's case, no procedural irregularity with an impact on the Applicant's status as well as his probability for promotion could be asserted in the instant case.

## Decision Contested or Judgment/Order Appealed

The Applicant contests the decision of the United Nations High Commissioner for refugees not to promote him to the D-1 level following the 2009 annual promotion session. The UNDT found that the contested decision was lawful.

## Legal Principle(s)

N/A

## Outcome

Dismissed on merits

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Dualeh

## Entity

UNHCR

## Case Number(s)

UNDT/GVA/2012/44

## Tribunal

UNDT

## Registry

Geneva

## Date of Judgement

23 Dec 2012

## Duty Judge

Judge Cousin

## Language of Judgment

English

French

## Issuance Type

Judgment

## Categories/Subcategories

Compensation

Loss of chance

Staff selection (non-selection/non-promotion)

## Related Judgments and Orders

2011-UNAT-109

2011-UNAT-172

2011-UNAT-174

2011-UNAT-175

2011-UNAT-177