

# **UNDT/2013/104, Awad**

## **UNAT Held or UNDT Pronouncements**

The UNDT found that the Applicant was unable to prove that the selection process was biased against him and that the consideration of his candidacy was marred by significant errors or procedural violations that would vitiate the selection process or resulted in a failure to give him proper consideration. The application was dismissed.

## **Decision Contested or Judgment/Order Appealed**

The Applicant contested his non-selection for an S-4 level position. Having found the case receivable in Awad UNDT/2013/071, the Tribunal considered the merits of the case in the present judgment.

## **Legal Principle(s)**

Judicial review of non-selection cases: The Secretary-General has broad discretion in substantive determinations of eligibility and in matters of selection and promotion, and it is not the role of the Tribunal to substitute its own decision for that of the Secretary-General (Abbassi 2011-UNAT-110). However, the exercise of managerial prerogative is not absolute and the Tribunal may examine whether the selection procedures were properly followed or were carried out in an improper, irregular or otherwise flawed manner, as well as assess whether the candidate was given full and fair consideration or whether the resulting decision was tainted by undue considerations or was manifestly unreasonable. Full and fair consideration means that the persons evaluating the Applicant's qualifications assess them rationally, fairly, and reasonably, taking into account and appropriately weighing up all relevant matters free of improper and irrelevant considerations and based upon relevant information and considerations.

## Outcome

Dismissed on merits

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Awad

## Entity

DSS

## Case Number(s)

UNDT/NY/2012/036

## Tribunal

UNDT

## Registry

New York

## Date of Judgement

16 Aug 2013

## Duty Judge

Judge Carstens

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Staff selection (non-selection/non-promotion)  
Selection decision

## Applicable Law

UNDT Statute

- Article 9

## Related Judgments and Orders

UNDT/2013/071

UNDT/2009/095

2011-UNAT-110

2012-UNAT-242