

# UNDT/2013/142, Charles

## UNAT Held or UNDT Pronouncements

The Applicant alleged that the selection exercise was procedurally flawed and biased against him. The UNDT found that the candidates' answers on the written tests were marked by an assessor who did not know the identities of the candidates. The UNDT found that the Applicant was not prejudiced by the manner in which the test was carried out. The UNDT found the Applicant's claims unsubstantiated and dismissed the application.

## Decision Contested or Judgment/Order Appealed

The Applicant, a staff member of the Procurement Division of the Department of Management in New York, contested his non-selection for a P-4 level Procurement Officer position in the United Nations Office at Nairobi.

## Legal Principle(s)

Allegation of unlawfulness: Suspicion alone, without any rational basis, is not enough to substantiate an allegation of unlawfulness. Delay in receiving management evaluation: Article 8.1(d) of the Tribunal's Statute as well as staff rule 11.4(a) state that an applicant may file an appeal before the Dispute Tribunal if he or she has not received a response to his request for management evaluation within the applicable response period.

## Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Charles

Entity

DM

Case Number(s)

UNDT/NY/2013/31

Tribunal

UNDT

Registry

New York

Date of Judgement

15 Nov 2013

Duty Judge

Judge Meeran

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Staff selection (non-selection/non-promotion)

Applicable Law

Staff Rules

- Rule 11.4(a)

## UNDT Statute

- Article 8.1