

# **UNDT/2014/030, Hayashi**

## UNAT Held or UNDT Pronouncements

The Tribunal noted that the content of the notes taken by the three panel members echoed similar answers given by the Applicant, which is a clear indication that they reflect the interview as it indeed happened and the answers provided by the Applicant. The Tribunal was also provided with the list of questions asked by the Panel during all interviews, and noted that the assertions made by the Applicant that she was not asked exactly those questions as they stood were unfounded and not corroborated by any evidence. It recalled that it was well within the discretionary power of the Assessment Panel to deem that she did not demonstrate during the interview that she fully met the competencies required for the post, and that it was certainly not for the Tribunal to enter into the consideration of the merits of such an assessment. It finally did not find in the file before it any indication of bias, discrimination or other prejudice that might have flawed the assessment or showed that the selection process was tailor-made to result in the Applicant's nonselection, hence it rejected the application.

## Decision Contested or Judgment/Order Appealed

The Applicant appealed the decision not to select her for a P-5 post, by not recommending her for the post. She disagreed with the evaluation made by the Assessment Panel following her interview, which rated her as only partially meeting three of the five competencies listed in the Vacancy Announcement, and contended that the contemporaneous notes taken by the members of the Assessment Panel were not a true reflection of her interview, and that she was not asked exactly the same questions as other candidates.

## Legal Principle(s)

Staff Selection System (ST/AI/2010/3): The Assessment Panel has discretionary power to assess the candidates during an interview and the Tribunal will not enter into the consideration of the merits of such an assessment when the file does not contain any indication of bias, discrimination or other prejudice that might have flawed the assessment. The candidate's recollection of the content of the interview, alleging it to be at variance with the content of the notes taken by the members of the Assessment Panel, is obviously not sufficient proof of bias, and it is not possible for a Tribunal to base its judgment on mere assertions not supported by any other evidence.

## Outcome

Dismissed on merits

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Hayashi

## Entity

UNOG

## Case Number(s)

UNDT/GVA/2013/1

## Tribunal

UNDT

## Registry

Geneva

## Date of Judgement

13 Mar 2014

## Duty Judge

Judge Laker

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Burden of proof

Discrimination and other improper motives

Evidence

Staff selection (non-selection/non-promotion)

Central Review Body

Full and fair consideration

Selection decision

## Applicable Law

Administrative Instructions

- ST/AI/2010/3

## Related Judgments and Orders

UNDT/2011/177

UNDT/2013/056

2012-UNAT-238

2013-UNAT-383

2012-UNAT-200

2011-UNAT-110

2013-UNAT-286

2011-UNAT-122

