

UNDT/2015/106, Kuchеров

UNAT Held or UNDT Pronouncements

SummaryThe Tribunal concluded that the selection process was procedurally flawed for the following reasons: a. the job opening did not identify the specific assessment method to be used for the evaluation of the technical skills during the selection process;b. the selection panel did not include an expert on Russian language and a non-voting member representing the Assistant Secretary-General, Office of Human Resources Management, which the Tribunal considered was necessary in accordance with ST/AI/1998/7;c. the selection panel did not assess the short-listed candidates through an assessment exercise (written test) to evaluate their substantive knowledge against the requirements for the Post;d. the scoring system used by the panel did not accurately reflect the candidates' performance during the interview, which resulted in inaccurate ratings of satisfactory and outstanding;e. the selection decision was made before the mandatory review by the Central Review body and was based on a different note than the transmittal memo sent later to the Central Review body. It did not contain the reasons of the Acting Head of DGACM for the selection decision. The Tribunal was of the view that ST/AI/1998/7, as amended in May 2012, and ST/AI/2010/3 were both applicable to the selection exercise in this case and require a written test to be administered to any candidate applying for a language post. The Tribunal found that there were a number of flaws in the selection process relating to the assessment method used, the composition of the selection panel, the scoring system used during the interview, and the final selection decision. The Tribunal concluded that the Applicant's right to be fully and fairly considered for the Post was not respected. The Respondent was ordered to pay USD3,000 in moral damages.

Decision Contested or Judgment/Order Appealed

The Applicant contested his non-selection for the P-5 level post of Chief, Russian Verbatim Reporting Section in the Department of General Assembly and Conference Management.

Legal Principle(s)

N/A

Outcome

Judgment entered for Applicant in full or in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Kuchеров

Entity

DGACM

Case Number(s)

UNDT/NY/2013/102

Tribunal

UNDT

Registry

New York

Date of Judgement

5 Nov 2015

Duty Judge

Judge Greceanu

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Discrimination and other improper motives

Bias/favouritism

Staff selection (non-selection/non-promotion)

Full and fair consideration

Selection decision

Applicable Law

Administrative Instructions

- ST/AI/1998/7
- ST/AI/2010/3
- ST/AI/2010/3/Amend.1
- ST/AI/2010/5

Secretary-General's bulletins

- ST/SGB/2012/1

Staff Regulations

- Regulation 4.2
- Regulation 4.3

UN Charter

- Article 101.3

UNDT RoP

- Article 7.1(a)

UNDT Statute

- Article 8.1(c)

Related Judgments and Orders

UNDT/2011/172

UNDT/2011/013

UNDT/2010/133

UNDT/2010/211

UNDT/2014/036

UNDT/2012/178

UNDT/2010/086

UNDT/2013/099

2010-UNAT-070

2012-UNAT-265

2015-UNAT-556

2011-UNAT-110

2015-UNAT-540

2015-UNAT-496

2014-UNAT-454

2015-UNAT-536

2015-UNAT-533

2014-UNAT-468

2013-UNAT-309