

# UNDT/2015/125, Wilson

## UNAT Held or UNDT Pronouncements

The UNDT found that the Applicant's request was not properly considered in that irrelevant factors were taken into consideration whereas relevant factors were not. In particular, no proper consideration was given to the individual circumstances and attributes that may have warranted a legitimate exception. Further, the reasoning supporting the decision was flawed. The UNDT found that no reasonable explanation was provided as to why the granting of this exception would have been prejudicial to other staff. The UNDT awarded the Applicant the sum of USD3,000 as compensation for loss of chance of promotion.

## Decision Contested or Judgment/Order Appealed

The Applicant contested the decision not to grant him an exception to sec. 6.1 of ST/AI/2010/3 (Staff selection system), which provides that staff members are "not eligible to apply for positions more than one level higher than their personal grade".

## Legal Principle(s)

Exceptions to administrative instructions: Although staff rule 12.3(b) refers to exceptions to the Staff Rules, the Dispute Tribunal and the Appeals Tribunal have ruled that the same rule applies to legal instruments of subsidiary nature, including administrative instructions.

## Outcome

Judgment entered for Applicant in full or in part

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Wilson

## Entity

OIOS

## Case Number(s)

UNDT/NY/2015/1

## Tribunal

UNDT

## Registry

New York

## Date of Judgement

31 Dec 2015

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Staff selection (non-selection/non-promotion)  
Eligibility

## Applicable Law

## Administrative Instructions

- ST/AI/2010/3

## Staff Rules

- Rule 12.3(b)

## Related Judgments and Orders

UNDT/2009/030

UNDT/2010/071

2010-UNAT-044

2011-UNAT-109

UNDT/2010/115

UNDT/2011/098

UNDT/2011/032

UNDT/2011/035

UNDT/2011/126

UNDT/2013/071

UNDT/2013/144

2011-UNAT-117

2011-UNAT-124

2011-UNAT-141

2011-UNAT-160

2012-UNAT-201

2012-UNAT-205

2012-UNAT-220

2012-UNAT-265

2015-UNAT-496