

UNDT/2016/066, Krioutchkov

UNAT Held or UNDT Pronouncements

In the Applicant's view, the Hiring Manager's alleged favoritism of the candidate finally selected was evidenced by the 19-month delay in advertising the post and a change in the standard language of the experience requirements, without which the successful candidate would have been ineligible. However, the evidence showed that said factors did not have a significant impact on the candidate's eligibility. Moreover, the slight lowering of the experience criterion was not originated by the Hiring Manager and, while he delayed the advertising he did so to ensure his alternative employment in case he was not successful in another selection process for a higher graded post pending at that time in which he was a candidate. Also, the procedural shortcomings alleged were not substantiated, notably the lack of two subject matter experts in the panel. Delay in filling a vacancy: While the General Assembly has requested that vacant posts be filled within 120 days, this is good practice, but not a binding obligation. Subject matter experts in the assessment panel: ST/2010/3 requires that assessment panels include two "subject matter experts", without defining this term. The Administration has considerable discretion in determining who is such an expert. It cannot be held that panels set up for the selection of translators/revisers must necessarily include linguists specialized in the language that is central to the post in question. Two professional linguists with experience in translation and revision in other languages fulfil this requirement, particularly when the candidates' technical skills have been evaluated through a written test and the assessment panel must only assess the other competencies.

Decision Contested or Judgment/Order Appealed

In appealing his non-selection for a post of Russian Reviser (P-4), Russian Translation Unit, UNON, the Applicant alleged bias by the Hiring Manager as well as various procedural improprieties.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Krioutchkov

Entity

ESCAP

Case Number(s)

UNDT/GVA/2014/70

Tribunal

UNDT

Registry

Geneva

Date of Judgement

2 Jun 2016

Duty Judge

Judge Meeran

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Burden of proof

Discrimination and other improper motives

Bias/favouritism

Staff selection (non-selection/non-promotion)

Selection decision

Applicable Law

Administrative Instructions

- ST/AI/2010/3

Related Judgments and Orders

UNDT/2015/021

UNDT/2016/052

2010-UNAT-042

2014-UNAT-434

2015-UNAT-540

2016-UNAT-616

2015-UNAT-496