

# UNDT/2016/099, Vazelle

## UNAT Held or UNDT Pronouncements

The hiring manager for the contested position had determined that the Applicant did not fully meet the work experience requirements for the job opening. The Tribunal did not consider that the assessment of the hiring manager that the Applicant had not provided evidence of the relevant work experience was clearly erroneous or unreasonable so as to constitute an error of fact. In addition, after considering ST/AI/2010/3 (Staff selection system) and the Manual for the Hiring Manager on the Staff Selection System, the Tribunal found that there was no error of law when the hiring manager conducted an assessment as to whether the Applicant met the work experience requirements for the job opening.

## Decision Contested or Judgment/Order Appealed

The Applicant filed an application contesting his “non-consideration for, and/or non-selection to, the D-1 post of Chief of Branch, Political Affairs, Office of Disarmament Affairs ... on the basis of an unlawful determination as to his eligibility.”

## Legal Principle(s)

On the Dispute Tribunal’s role in considering whether an applicant meets the requirements of a job opening: The Tribunal notes that in the present case, the requirement in Job Opening No. 40845 that applicants have “experience in facilitation and conducting of inter[-]governmental negotiating processes” was somewhat vague. However, as stated in Dhanjee UNDT/2014/029, it is the hiring manager who is in the best position to assess whether the requirements of a job opening have been fully met. Unless the assessment is based on obviously wrong facts, or is otherwise unreasonable, or tainted by extraneous factors, it is not for the Tribunal to intervene. On whether a hiring manager may assess an applicant’s work experience to determine whether they meet the requirements of a job opening: Section 7.4 of ST/AI/2010/3 specifically states that the hiring manager is to “further evaluate” all applicants released to him or her and to prepare a shortlist of those “most qualified for the job opening based on a review of the documentation.” The instructional manuals on the staff selection system, referred to in sec. 2.6 of ST/AI/2010/3, also specifically state that the hiring manager is to assess the work experience requirements stipulated in a job opening (see, for example, sec. 9.2.2 of the Manual for the Hiring Manager). The hiring manager is generally in the best position to assess whether an applicant has met the specific work experience requirement set out in a job opening and it is not an error of law for the hiring manager to conduct such an assessment (Dhanjee UNDT/2014/029).

## Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Vazelle

Entity

DPA

Case Number(s)

UNDT/NY/2016/5

Tribunal

UNDT

Registry

New York

Date of Judgement

12 Jul 2016

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Staff selection (non-selection/non-promotion)

Eligibility

Full and fair consideration

Applicable Law

Administrative Instructions

- ST/AI/2010/3