

UNDT/2019/184, Krioutchkov

UNAT Held or UNDT Pronouncements

The Tribunal noted that the educational requirement under JO 50523 was a “recognized first-level degree from a university or institution of equivalent status” and to “have passed the Russian United Nations Competitive Examination for Translators/Précis-writers”. It resulted from the file, and it was uncontested by the parties, that the Applicant holds a Diploma in Economics from the Moskovskij Gosudarstvennyj Institut Mezdunarodnyh Otnosenij (the Moscow State Institute of International Relations, also known as “MGIMO”) and that his attendance years were from 1980 to 1986. The evidence on file showed that when selecting MGIMO as the educational institution attended, Inspira presented a candidate with the following options for academic titles: Bakalavr, Certificate/Diploma, Doktor Nauk, Kandidat Nauk, Magistr., and Specialist Diploma. The candidate’s choice was then reflected under the item “Degree obtained” in the PHP generated for submission when applying to a job opening. In the case at hand, the Applicant’s PHP for JO 50523 showed the degree obtained as “Certificate/Diploma”, which according to the process to determine the equivalence of a degree resulted in a level lower than that of a “recognized first-level degree”. It follows that the Applicant failed to indicate that he possessed the degree required by JO 50523. The Tribunal found that the Applicant incorrectly entered his education details and, consequently, Inspira automatically screened him out as not meeting the minimum educational requirement for the job opening, namely to possess a first-level university degree. Consequently, his candidature was lawfully not released to the hiring manager. The Tribunal considered that Administrative instruction ST/AI/2010/3 (Staff Selection System), as well as the applicable staff rules referred therein, were properly followed and applied by the Administration and, in particular, sec. 7.1 of said instruction, which provides that job applicants will be pre-screened on the basis of the information provided in their job application to determine whether they meet the minimum requirements of the job opening, and sec. 5.1, which specifies that applications cannot be amended following their submission. In the present case, the Tribunal found that the Organization could not be held responsible for incorrect

information entered by the Applicant that resulted in his screening out of the recruitment process. The Tribunal further considered that the Applicant's claim concerning the loss of concrete chances for career development due to limited or no mobility within the UN translators' professional group was not relevant for the adjudication of the present case, where the Applicant challenged and was entitled only to challenge, a specific administrative decision and not a general administrative practice. Although in abstract this could be relevant for the examination of damages, the Tribunal found that it was not relevant in the present case in view of the finding that the contested administrative decision was lawful.

Decision Contested or Judgment/OrderAppealed

The Applicant contested his non-consideration and eventual non-selection for the position of Russian Reviser (P-4), Department of General Assembly and Conference Management, New York.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Krioutchkov

Entity

ESCAP

Case Number(s)

UNDT/GVA/2016/098/R1

Tribunal

UNDT

Registry

Geneva

Date of Judgement

20 Dec 2019

Duty Judge

Judge Buffa

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Staff selection (non-selection/non-promotion)

Applicable Law

Administrative Instructions

- ST/AI/2010/3

Other UN issuances (guidelines, policies etc.)

- Inspira Applicant's Manual

Related Judgments and Orders

UNDT/2018/103

2019-UNAT-924