

UNDT/2020/086, Compaore

UNAT Held or UNDT Pronouncements

The Tribunal noted the uncontested evidence that the Applicant gave unsolicited responses in line with the Panel's questioning format which he seems to have been privy to. The Panel had no opportunity to ask him questions in areas such as gender since he gave successive examples in different aspects of the interview areas in a short time span. This evidence supported the finding that the Applicant's conduct did not facilitate his meaningful engagement with the Panel beyond what took place. He could not argue therefore that the Panel did not probe to elicit more appropriate examples from him. Even then, the Tribunal fully agreed with the Respondent that the requirement for probing does not extend to continuously asking the candidate questions until he gets the answer right. The Applicant's argument that probing questions were not put to him lacked merit. The proper procedures were followed and all relevant material was taken into consideration in the interview by the Panel. There was no evidence that the Applicant had not received full and fair consideration or that he was discriminated against.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to deny him roster clearance for the generic job opening ("GJO") 42182 for the position of Chief of Unit, Air Operations Officer, at the P-4 level.

Legal Principle(s)

In reviewing administrative decisions regarding appointments and promotions, the Dispute Tribunal must examine: whether the procedure laid down in the staff regulations and rules was followed and whether the staff member received full and fair consideration. The Tribunals' role is not to substitute their decision for that of the Administration.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Compaore

Entity

MONUSCO

Case Number(s)

UNDT/NBI/2018/034

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

11 Jun 2020

Duty Judge

Judge Tibulya

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Staff selection (non-selection/non-promotion)