

UNDT/2020/174, Tarr

UNAT Held or UNDT Pronouncements

The Applicant failed to indicate a specific date and content of the challenged administrative decision, as she only recalled an email from the Deputy Director, ID/OIOS, which would purportedly confirm an evaluation of insufficiency of the Applicant's investigatory experience to be recruited for the advertised post. The Tribunal, having considered the above-quoted content of the email, finds it insufficient to substantiate an administrative decision of definitive exclusion of the Applicant from the selection process. It remains, however, that the Applicant was not called for an interview and was not shortlisted for the relevant post. The Tribunal finds that these facts did not give rise to an appealable administrative decision under art. 2.1(a) of its Statute, and that such a step of the selection process may only be challenged in the context of an application against a specific decision with clear and direct legal consequences on the Applicant, such as the final selection decision. There was not a definitive exclusion of the Applicant's candidacy from the selection process as, at the relevant time, the Administration could still reintroduce her to the selection process at a different moment as, for instance, the review by the Central Review Body was still pending.

Decision Contested or Judgment/Order Appealed

The Applicant filed an application contesting her exclusion from a recruitment exercise.

Legal Principle(s)

Certain intermediate decisions in a selection process could be challenged only in the context of an appeal against the final selection decision. An administrative decision can be challenged only if it has a definitive impact (even indirect) on the position of the candidate (for instance, a different decision resulting in the definitive exclusion

of the candidate).

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Tarr

Entity

OIOS

Case Number(s)

UNDT/GVA/2019/025

Tribunal

UNDT

Registry

Geneva

Date of Judgement

1 Oct 2020

Duty Judge

Judge Buffa

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Staff selection (non-selection/non-promotion)

Applicable Law

UNDT Statute

UNAT Statute

- Article 2.1(a)

Related Judgments and Orders

2020-UNAT-1030

2019-UNAT-928