

UNDT/2020/176, Pedreyra

UNAT Held or UNDT Pronouncements

The job description for the position under review contained the same requirements as those agreed for the other services. There was therefore no evidence of ulterior motive in the design of the job description. The position was among those newly created following the reorganization of the concerned Division. While the Applicant disagreed with the way the restructuring was conducted, he was unable to show that the Administration exceeded its discretion. The Applicant failed the test which was eliminatory, therefore, his score at the interview was not taken into consideration. The written assessment methodology was agreed among the different services, therefore, there is no evidence that it was designed to disfavor the Applicant. The documentation of the grading of the test revealed that the Applicant was graded fairly and failed the written test. The qualifications of the selected candidate are irrelevant given that the reason why the Applicant was not selected is that he failed the written test.

Decision Contested or Judgment/Order Appealed

Decision not to select the Applicant for a post.

Legal Principle(s)

The Administration has broad discretion in matters of staff selection. The Dispute Tribunal will only examine whether the procedure was followed and whether the staff member received full and fair consideration. The Dispute Tribunal is not to substitute its judgment for that of the Administration. In matters of staff selection, when the Administration minimally shows that the staff member was given full and fair consideration, the burden shifts to the applicant to show by clear and convincing evidence that he/she was denied a fair chance of selection.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Pedreyra

Entity

UNS

Case Number(s)

UNDT/NY/2019/078

Tribunal

UNDT

Registry

New York

Date of Judgement

1 Oct 2020

Duty Judge

Judge Adda

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Staff selection (non-selection/non-promotion)

Written test

Applicable Law

Administrative Instructions

- ST/AI/2010/3

Related Judgments and Orders

2011-UNAT-110

2012-UNAT-265

2017-UNAT-762

2011-UNAT-122