

# UNDT/2020/218, Sobier

## UNAT Held or UNDT Pronouncements

The Tribunal found that the Applicant's right to a full and fair consideration of his candidature was not violated. It was thus held that the Applicant's allegation that the selection process was tainted by extraneous considerations, ill-motive and bias not borne out in evidence. Accordingly, the application was dismissed.

## Decision Contested or Judgment/Order Appealed

The Applicant contested MINUSMA's decision to not roster him following a selection exercise for generic job opening (GJO) #94302.

## Legal Principle(s)

According to the jurisprudence of the Tribunal, in staff selection matters, the starting point is the presumption that official functions have been regularly performed. This presumption is satisfied where management minimally shows that the staff member's candidature was given fair and adequate consideration. Once management satisfies this initial requirement, the burden shifts to the Applicant to show through clear and convincing evidence that he was not given fair and adequate consideration.

## Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Sobier

Entity

MINUSMA

Case Number(s)

UNDT/NBI/2020/020

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

29 Dec 2020

Duty Judge

Judge Tibulya

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Discrimination and other improper motives

Staff selection (non-selection/non-promotion)

Full and fair consideration

Applicable Law

## Administrative Instructions

- ST/AI/2010/3

## Staff Regulations

- Regulation 4.1

## UN Charter

- Article 101