

UNDT/2021/052, Krioutchkov

UNAT Held or UNDT Pronouncements

While the schedule set for the written assessment was probably inconvenient for the Applicant. However, he did not even attempt to provide a reason, neither when he was notified of the assessment's schedule nor in his application, why it was not possible for him to take the test. He simply asked for the test to be rescheduled to coincide with the working hours at his location. The reason provided by the Administration for not being able to accommodate different schedules, namely the avoidance of leaks, is fair and reasonable. Therefore, the Applicant's decision not to participate in the selection process was his own and, as per Loeber, he estopped himself from contesting the process' outcome. The Applicant failed to provide evidence of bias.

Decision Contested or Judgment/Order Appealed

Decision not to select the Applicant for a position of Russian Reviser with DGACM.

Legal Principle(s)

The Administration has broad discretion in matters of staff selection. In reviewing such decisions, the Dispute Tribunal must assess whether the applicable law was applied in a fair, transparent, and non-discriminatory manner. The Dispute Tribunal's role is not to substitute its decision for that of the Administration. By refusing to participate in an interview because of a belief that the panel was biased while offering no evidence of such bias, the applicant had estopped himself from challenging the outcome of the selection procedure

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Krioutchkov

Entity

ESCAP

Case Number(s)

UNDT/NY/2021/016

Tribunal

UNDT

Registry

New York

Date of Judgement

10 May 2021

Duty Judge

Judge Adda

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Staff selection (non-selection/non-promotion)

Interview

Selection decision

Applicable Law

Staff Regulations