

# 2011-UNAT-150, Contreras

## UNAT Held or UNDT Pronouncements

UNAT considered an appeal by the Secretary-General. UNAT held that the head of department was not entitled to drop a candidate from the list of qualified candidates and, consequently, from the roster of candidates who had been recognised as qualified. UNAT held that UNDT did not commit an error of law or fact in ruling that the contested administrative decision was marred by irregularity and ordering the Appellant to be paid compensation equivalent to six months' base salary as an alternative to the rescission of the improper decision. UNAT considered that, in this matter, the first judge was best suited to decide on the level of compensation and that there was no reason for it to question that amount. UNAT dismissed the appeal and affirmed the UNDT judgment.

## Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to exclude her from the roster of candidates transmitted to the Central Review Body, despite the fact that she had been recommended by an interview panel. UNDT found for the Applicant and awarded compensation.

## Legal Principle(s)

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## Outcome

Appeal dismissed on merits

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Contreras

## Entity

UN-Habitat

## Case Number(s)

2010-149

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

8 Jul 2011

## President Judge

Judge Courtial

## Language of Judgment

English

French

## Issuance Type

Judgment

## Categories/Subcategories

Compensation

In-lieu compensation

Staff selection (non-selection/non-promotion)

## Applicable Law

Administrative Instructions

- ST/AI/2006/3

UNDT Statute

- Article 10.5(a)

## Related Judgments and Orders

2010-UNAT-044