

# 2011-UNAT-179, Ibekwe

## UNAT Held or UNDT Pronouncements

UNAT held that the Appellant was unable to establish that her non-selection to the two posts was flawed, or that she was not given full and fair consideration during the selection process. UNAT noted that the Appellant's claim was that she faced general discrimination for many years, but that she pleaded this without demonstrating specific discrimination when she was denied the appointment. UNAT held that there is always a presumption that official acts have been regularly performed. UNAT held that proof of unsubstantiated allegations of general discrimination, in the form of two letters written in 1995 and 1997 could not constitute evidence of real discrimination sufficient to upset the two non-selection decisions taken in 2007. UNAT held that it failed to understand how the Appellant could complain about the letters having been placed in her OSF behind her back when the letters were sent to her and she must have been aware of their content. UNAT held that UNDT did not exceed, or fail to exercise, its jurisdiction, or err on questions of law, facts or procedure. UNAT dismissed the appeal and affirmed the UNDT judgment.

## Decision Contested or Judgment/Order Appealed

The Applicant contested, inter alia, the administration's responses to her complaints of discrimination being placed in her Official Status File (OSF) without her knowledge and her non-selection for two positions a decade later. UNDT dismissed the application.

## Legal Principle(s)

There is always a presumption that official acts have been regularly performed. A staff member who challenges a non-selection decision has to establish, through clear and convincing evidence, that they were denied a fair chance of promotion.

## Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Ibekwe

Entity

OHCHR

Case Number(s)

2010-184

Tribunal

UNAT

Registry

New York

Date of Judgement

21 Oct 2011

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/292

Related Judgments and Orders  
UNDT/2010/159  
2011-UNAT-122