

# 2012-UNAT-262, Gordon

## UNAT Held or UNDT Pronouncements

Regarding the lateral moves, UNAT held that the fact, that the selected candidate's lateral moves were not recorded in the requisite database, was not dispositive of the issue, nor did the definition of "lateral move" in ST/AI/2006/3/Rev. 1 included such a requirement. UNAT held that UNDT's decision on this point was based on the evidence that clearly established that the selected candidate's lateral moves satisfied the requirements of ST/AI/2006/3/Rev. 1. Regarding the work experience, UNAT held that the evidence before UNDT supported its finding that the selected candidate had at least 10 years of relevant work experience as required by the vacancy announcement. Regarding the selection criteria, UNAT held that the Appellant's claims in this regard were entirely without merit. UNAT noted that UNDT had found that the applicable evaluation criteria had already been approved by a central review body in accordance with Section 4. 4 of ST/AI/2006/3/Rev.1 and that it was based on those criteria, indicated in the vacancy announcement, that the candidates had been interviewed. UNAT held that there were no errors in UNDT's judgment regarding the issues raised by the Appellant. UNAT dismissed the appeal and affirmed the UNDT judgment.

## Decision Contested or Judgment/Order Appealed

The Applicant contested the decision not to select him for a P-5 level post. UNDT rejected the application. UNDT analysed three factual issues against the criteria set forth in administrative instruction ST/AI/2006/3/Rev. 1 (Staff selection system): a) whether evaluation criteria were in place for the selection exercise for the P-5 vacancy; b) whether the selected candidate met the requirement of two lateral moves; and c) whether the selected candidate had the required years of work experience. The UNDT gave an affirmative answer to all three questions. The Applicant appealed.

## Legal Principle(s)

It is not for UNDT to substitute its own assessment for that of the interview panel (or is it CRB) concerning pre-selected candidates.

## Outcome

Appeal dismissed on merits

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Gordon

## Entity

UNOG

## Case Number(s)

2011-280

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

1 Nov 2012

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Staff selection (non-selection/non-promotion)

Eligibility

Selection decision

## Applicable Law

Administrative Instructions

- ST/AI/2006/3/Rev.1

## Related Judgments and Orders

UNDT/2011/173