

2013-UNAT-284, Charles

UNAT Held or UNDT Pronouncements

UNAT considered that: the Appellant had responded in the negative to two questions about his experience in the pre-screening questions, but that he was long-listed; UNDT had decided that the hiring manager did not commit a procedural error in not evaluating all candidates, but took into consideration the objective criteria i. e. the years of experience required; the Administration was in a position to justify its decisions as not arbitrary; and the Appellant failed to meet his burden of proving the alleged discrimination. UNAT held that the appeal expressed disagreement with the impugned judgment, was repetitive and that there were no new arguments. UNAT held that the appeal was an attempt to have a hearing de novo of the application. UNAT dismissed the appeal.

Decision Contested or Judgment/Order Appealed

The Applicant contested his non-selection for a post. UNDT dismissed the application.

Legal Principle(s)

Before UNAT, it is not sufficient for an appellant to state that he or she disagrees with the outcome of the case or repeat the arguments submitted before UNDT. The appellant has the burden of satisfying UNAT that the judgment rendered by UNDT is defective and it follows that the appellant must identify the alleged defects in the judgment and state the grounds relied upon in asserting that the judgment is defective.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Charles

Entity

DM

Case Number(s)

2012-310

Tribunal

UNAT

Registry

New York

Date of Judgement

28 Mar 2013

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNAT)

Appeal

Staff selection (non-selection/non-promotion)

Full and fair consideration

Applicable Law

UNAT Statute

- Article 2.1

Related Judgments and Orders

UNDT/2012/021

2010-UNAT-051

2010-UNAT-081