

2014-UNAT-425, Simmons

UNAT Held or UNDT Pronouncements

Regarding the non-selection for the Programme Budget Officer post, UNAT held that the Appellant had failed to produce sufficient evidence to prove the impropriety in the decision making. UNAT held that the Appellant had also failed to put forward any specific evidence substantiating her claim of discrimination, bias, and retaliation to warrant a reversal of the UNDT's findings. Regarding the cancellation of the Administrative Officer post, UNAT held that the Administration had provided sufficient evidence to show that the cancellation of the post was based on Organisational and budgetary reasons and rejected, therefore, the submissions regarding retaliation and abuse of process. UNAT held that the Appellant had failed to demonstrate any error in the UNDT's findings. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

UNDT judgment: The Applicant contested the decisions 1) not to select her for the post of Programme Budget Officer and 2) to cancel the hiring process for the Administrative Officer post, for which she had been cleared, due to budgetary questions. In judgment No. UNDT/2013/050, UNDT found that the Applicant had not established any impropriety in the decision not to select her for the Programme Budget Officer post. Regarding the cancellation of the Administrative Officer post, UNDT found that the Administration's Organisational and budgetary justifications were credible. UNDT concluded that the Applicant had not substantiated her allegations of bias in relation to her non-selection for either post.

Legal Principle(s)

Under Article 101. 1 of the UN Charter and Staff Regulation 4. 1, the Secretary-General has broad discretion in making decisions regarding appointments and promotions. In reviewing such decisions, it is not the role of UNDT or UNAT to substitute its own decision for that of the Secretary-General regarding the outcome of the selection process.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Simmons

Entity

OPPBA

Case Number(s)

2013-479

Tribunal

UNAT

Registry

New York

Date of Judgement

2 Apr 2014

President Judge

Judge Adinyira

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Discrimination and other improper motives

Bias/favouritism

Staff selection (non-selection/non-promotion)

Full and fair consideration

Applicable Law

Administrative Instructions

- ST/AI/2006/3

Staff Regulations

- Regulation 4.1

UN Charter

- Article 101.1

Related Judgments and Orders

UNDT/2013/050

2012-UNAT-236

2012-UNAT-206

2010-UNAT-097

2011-UNAT-123

2011-UNAT-110

2011-UNAT-122