

2017-UNAT-744, Krioutchkov

UNAT Held or UNDT Pronouncements

UNAT refused the Appellant's application for an oral hearing. UNAT held that the eleven new grounds of appeal raised by the Appellant for the first time on appeal were not receivable. They were for the most part alleged minor procedural defects that in all probability if proven, would have minimal, if any, impact on the fair and full consideration received by the Appellant. UNAT held that the reasoning of UNDT was sound and unassailable, that it correctly determined the issues and dismissed the Appellant's grounds of review for sustainable reasons. UNAT held that it was unable to identify any error of law or fact justifying interference with the UNDT's decision. UNAT held that the UNDT's findings in relation to the delay in advertising the vacancy, the reduced eligibility criteria, the composition of the panel, the application of the no difference principle, the non-binding nature of the Hiring Manager's Manual, and the applicable principles governing the broad discretion of the administration in staff selection matters were all consistent with the prior jurisprudence. UNAT held that being on a roster does not create an expectancy or entitlement to promotion. UNAT dismissed the appeal and upheld the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision not to select him for a post. UNDT held that the Appellant had received full and fair consideration and had failed on the evidence to establish any impropriety in the decision not to select him for the vacancy.

Legal Principle(s)

It is not enough for an appellant to disagree with the findings of fact or the conclusions of law made by the trial court. For an appeal to succeed, an appellant must persuade UNAT that the contested decision fulfills the objective criteria of its

competence. The appeals procedure is of a corrective nature and not an opportunity for an unsuccessful party to reargue his or her case. A party cannot merely repeat on appeal arguments that did not succeed in the lower court; he or she must demonstrate that the court below has committed an error of fact or law warranting intervention by UNAT.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Krioutchkov

Entity

ESCAP

Case Number(s)

2016-956

Tribunal

UNAT

Registry

New York

Date of Judgement

31 Mar 2017

President Judge

Judge Murphy

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Staff selection (non-selection/non-promotion)

Full and fair consideration

Selection decision

Applicable Law

UNAT Statute

- Article 2

Related Judgments and Orders

UNDT/2016/066