

# 2017-UNAT-778, Faust

## UNAT Held or UNDT Pronouncements

UNAT rejected the argument that the written test should have been prepared by the Hiring Manager, and not the direct supervisor of the position. UNAT held, in agreement with the UNDT's conclusion, that the Appellant had failed to show that the Hiring Manager's intervention in the preparation of the written test resulted in her non-selection for the contested post. UNAT held that the Appellant's claim was fully and fairly considered by UNDT. UNAT found no fault in UNDT's finding that the design, conduct, and evaluation of the written test did not constitute a violation of the Appellant's right to full and fair consideration. UNAT held that the facts of the case established that her non-selection was due to her poor performance at the interview and had nothing to do with the written test, which she had passed. UNAT held that the Appellant failed to establish any error by the UNDT in arriving at its findings that the interview panel was properly composed. UNAT held that there was no conflict of interest caused by the fact that the Appellant's team was going through counselling at the time of the recruitment. UNAT held that UNDT gave proper consideration to the question of whether or not the Appellant had been the victim of harassment or bias. UNAT held that the Appellant raised a number of groundless assertions of error and that such assertions by themselves were not capable of persuading it that the UNDT judgment was erroneous. UNAT held that UNDT was fully supported by the law and the facts when it concluded that the Appellant failed to show that the procedure was biased against her or that her right to full and fair consideration was violated. UNAT dismissed the appeal and affirmed the UNDT judgment.

## Decision Contested or Judgment/Order Appealed

The Applicant contested the decision not to select her for a position on the grounds that she was not afforded a full, fair, and objective assessment in the selection procedure. UNDT concluded that the contested decision had been lawfully taken and dismissed the application in its entirety.

## Legal Principle(s)

Assertions of error by the first instance tribunal should be accompanied by grounds for making such assertions.

## Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Faust

Entity

UNFCCC

Case Number(s)

2017-1059

Tribunal

UNAT

Registry

New York

Date of Judgement

14 Jul 2017

Language of Judgment

English

Issuance Type  
Judgment  
Categories/Subcategories  
Staff selection (non-selection/non-promotion)  
Full and fair consideration  
Selection decision  
Related Judgments and Orders  
UNDT/2016/213