

2018-UNAT-886, Rehman

UNAT Held or UNDT Pronouncements

UNAT considered the receivability of the appeal, whether there was a procedural irregularity, and whether the Appellant was entitled to moral damages. UNAT held that the appeal was receivable because it was filed in a timely fashion, according to Articles 7 and 29 of the RoP. UNAT held that UNDT erred in law in finding that the Administration failed to properly notify the Appellant of her non-selection because she knew about her non-selection early enough to timely challenge the decision. UNAT found that UNDT erred in law and exceeded its competence in awarding the Appellant compensation as there was no procedural irregularity, and there was no evidence of harm to support moral damages, as the Appellant's testimony alone was not sufficient evidence of harm. UNAT upheld the appeal and vacated the UNDT judgment on the award of damages to the Appellant.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision not to select her for the post and to not inform her of her non-selection. UNDT considered that the Administration had failed to notify the Applicant of her non-selection. UNDT found that the Applicant had "suffered stress and anxiety because of that procedural violation" and awarded her nominal damages. However, UNDT held that the Applicant failed to provide any proof of bias or irregularities in the recruitment process or to substantiate that her candidature had not been given full and fair consideration and rejected her application.

Legal Principle(s)

The main purpose of imposing on the Administration the obligation to inform all interviewed candidates of a selection decision is to enable the unsuccessful staff members to pursue their procedural rights, including requesting management

evaluation and suspension of the recruitment process.

Outcome

Appeal granted

Full judgment

[Full judgment](#)

Applicants/Appellants

Rehman

Entity

UNICEF

Case Number(s)

2018-1179

Tribunal

UNAT

Registry

New York

Date of Judgement

26 Oct 2018

President Judge

Judge Knierim

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Administrative decision

Notification

Compensation

Evidence of harm

Evidence

Compensation

Evidence of harm

Sole testimony of complainant

Jurisdiction / receivability (UNAT)

Temporal (ratione temporis)

Applicable Law

UNAT RoP

- Article 29
- Article 7

UNICEF Executive Directives

- CF/EXD/2013-004

Related Judgments and Orders

UNDT/2018/038