

2019-UNAT-919, Krioutchkov

UNAT Held or UNDT Pronouncements

UNAT considered an appeal by the Secretary-General. UNAT held that the issue of whether the staff member's application was pre-screened by a Human Resources Officer was irrelevant in determining whether his candidature received full and fair consideration. On the basis that UNDT failed to enquire as to what options were available to the staff member on Inspira at the time of application, UNAT held that UNDT's findings that Inspira did not reflect the variety of the educational system of all the Member States equally and that the staff member's candidature had not been afforded full and fair consideration were not supported by the facts. UNAT held that UNDT erred on a question of fact which resulted in a manifestly unreasonable decision. UNAT upheld the appeal, vacated the UNDT judgment, and remanded the case to UNDT for additional fact-finding.

Decision Contested or Judgment/Order Appealed

The Applicant contested his non-consideration and non-selection for a position. UNDT found that his application had been erroneously screened out by a Human Resources Officer on the basis that he did not hold a first-level university degree as required by the job opening. UNDT found that the Applicant's application had not been afforded full and fair consideration and that, as a result, his exclusion from the recruitment process for the job opening was unlawful. UNDT rescinded the contested decision and, in the alternative, awarded compensation.

Legal Principle(s)

A factual determination cannot be made without the relevant evidence.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Krioutchkov

Entity

ESCAP

Case Number(s)

2018-1218

Tribunal

UNAT

Registry

New York

Date of Judgement

29 Mar 2019

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Staff selection (non-selection/non-promotion)

Eligibility

Full and fair consideration

Applicable Law
Administrative Instructions

- ST/AI/2010/3

Related Judgments and Orders
UNDT/2018/104