

2019-UNAT-920, Krioutchkov

UNAT Held or UNDT Pronouncements

UNAT held that UNDT erred in finding that the erroneous requirement for a perfect command of English vitiated the entire recruitment process, noting that it was a typographic error and corrective measures were taken by conducting a manual review of the personal history profile of each candidate. UNAT held that UNDT erred in its finding that the selection process was unlawful and lacked transparency. UNAT held that the need for the factual determination of all of the evidence related to the roster, placement, and removal of candidates required that the instant case be remanded to the UNDT. UNAT vacated the UNDT judgment and remanded the case to UNDT for full consideration of its merits by another judge.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to exclude his candidature from a job opening. UNDT concluded that the decision was vitiated by an unpublished eligibility requirement that was not in the job opening and the erroneous requirement that the candidate should have a perfect command of English. UNDT ordered rescission of the decision and in-lieu compensation for the loss of opportunity to be selected for the position and its negative impact on reaching the mobility requirement and his career development.

Legal Principle(s)

UNAT may remand a case to UNDT for rehearing where there is a need for factual determination.

Outcome

Appeal granted

Full judgment

[Full judgment](#)

Applicants/Appellants

Krioutchkov

Entity

ESCAP

Case Number(s)

2018-1210

Tribunal

UNAT

Registry

New York

Date of Judgement

28 Jun 2019

President Judge

Judge Felix

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Staff selection (non-selection/non-promotion)
Eligibility

Applicable Law

Administrative Instructions

- ST/AI/2000/1

UNAT Statute

- Article 2.3

Related Judgments and Orders

UNDT/2018/093