

2019-UNAT-928, Abdellaoui

UNAT Held or UNDT Pronouncements

UNAT held that the decision not to short-list the Appellant was an internal step within the selection process and not an administrative decision and that UNDT should have only received her application against the selection decision whilst the decision not to short-list the Appellant is examined as a part of the final non-selection decision. UNAT held that the appeal was defective as the Appellant did not clearly define the grounds of appeal as required under Article 2(1) of the UNAT Statute, however it considered the appeal on the basis that the Appellant was self-represented. UNAT rejected the Appellant's allegation that the case management of UNDT was flawed, as it has broad discretion in managing its cases and UNAT does not see any abuse in this discretion. UNAT held that the re-classification of the post in question was lawful and reasonable. UNAT agreed with UNDT that the Hiring Manager used a lawful and reasonable standard regarding the requirement of significant language-related management experience. UNAT held that it had no reason to doubt the UNDT finding that this standard was consistently applied to all candidates as the Appellant did not present any evidence that could show otherwise. UNAT considered that it was obvious that the Appellant did not fulfil the requirement of significant management experience and therefore it was lawful not to short-list or select her for the position. UNAT held that UNDT did not err in stating that the Appellant's roster status had no impact on the selection process or that she had not been unduly denied the opportunity to acquire in-house managerial experience. UNAT agreed with UNDT that the Appellant did not present any evidence to show that the decision not to short-list or select her was motivated by extraneous factors. UNAT held that absent any illegality, there could be no compensation awarded. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decisions not to short-list or select her for a position. UNDT dismissed the applications having found that she had been given full and fair consideration.

Legal Principle(s)

An appeal is defective when an Appellant fails to clearly define the grounds of appeal as required under Article 2(1) of the UNAT Statute. UNDT has broad discretion in managing its cases. Absent any illegality, there can be no compensation.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Abdellaoui

Entity

UNOG

Case Number(s)

2019-1224

Tribunal

UNAT

Registry

New York

Date of Judgement

28 Jun 2019

President Judge

Judge Knierim

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Staff selection (non-selection/non-promotion)

Eligibility

Full and fair consideration

Selection decision

Applicable Law

UNAT Statute

- Article 2.1

Related Judgments and Orders

UNDT/2018/113