

2020-UNAT-1013, Belsito

UNAT Held or UNDT Pronouncements

A telephone conversation that was suggestive of gender discrimination in the decision-making process and was raised by the Appellant in his application was ignored by UNDT. UNDT made an error in the procedure by failing to hold an oral hearing where witnesses could testify about that conversation. UNAT remanded the matter back to a different judge of the UNDT for the production of further evidence, additional findings of fact, and the issuance of a new judgment.

Decision Contested or Judgment/Order Appealed

The staff member contested the decision to cancel a selection process and not to select him for the position. UNDT rejected his application.

Legal Principle(s)

The Administration is not under an obligation to pursue a recruitment process which is underway by filling the position which has become vacant; however, the rule is that, in filling the post, the Administration must proceed with the appointment of successful candidates in accordance with the recruitment results. The Administration may deviate from this rule for sound reasons, justifying its decision clearly and fully, i. e. on account of irregularities that occurred in the recruitment process or for reasons connected with the interests of the service.

Outcome

Appeal granted

Full judgment

[Full judgment](#)

Applicants/Appellants

Belsito

Entity

UN-WOMEN

Case Number(s)

2020-1348

Tribunal

UNAT

Registry

New York

Date of Judgement

26 Jun 2020

President Judge

Judge Knierim

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Procedure (first instance and UNAT)

Oral hearings

Staff selection (non-selection/non-promotion)

Selection decision

Applicable Law

UNAT Statute

- Article 2.1(d)
- Article 2.5

Related Judgments and Orders

UNDT/2019/183

UNDT/2010/153

2019-UNAT-932