

2020-UNAT-1066, Krioutchkov

UNAT Held or UNDT Pronouncements

UNAT noted that, at the time of applying for the position, information was available to the Appellant in the form of the Inspira Applicant's Manual, including the World Higher Education Database list, which meant that he had the information about how to reflect his degree correctly in his electronic application and that an inaccurate application would render him ineligible for the position. UNAT held that UNDT did not make any errors of law or fact in dismissing the Appellant's challenge of the decision not to consider or select him for the position. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision not to consider or select him for a position. On remand, in judgment UNDT/2019/184, UNDT concluded that the Applicant had failed to enter his degree correctly in his electronic application and that, consequently, his application was lawfully screened out as not meeting the minimum educational requirement for the position. UNDT found that the contested decision was lawful and dismissed the application.

Legal Principle(s)

The Secretary-General has broad discretion in matters of staff selection. In reviewing staff selection decisions, it is the role of UNDT and UNAT to assess whether the applicable regulations and rules have been applied and whether they were applied in a fair, transparent, and non-discriminatory manner. The Tribunals' role is not to substitute their decision for that of the Administration. Compensation cannot be awarded when no illegality has been established.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Krioutchkov

Entity

ESCAP

Case Number(s)

2020-1364

Tribunal

UNAT

Registry

New York

Date of Judgement

30 Oct 2020

President Judge

Judge Raikos

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Staff selection (non-selection/non-promotion)

Eligibility

Selection decision

Applicable Law

Staff Regulations

- Regulation 1.2(c)
- Regulation 4.1

UN Charter

- Article 101.1

Related Judgments and Orders

UNDT/2019/184

2015-UNAT-537

2016-UNAT-669

2018-UNAT-849

2017-UNAT-802

2018-UNAT-829