

2021-UNAT-1095, Marius Mihail

Russo-Got

UNAT Held or UNDT Pronouncements

The evidence of procedural errors and irregularities supported the Dispute Tribunal's findings of fact that lead to the justifiable conclusion that, had the irregularities not occurred, Mr Russo-Got had a foreseeable and significant chance of selection given his qualifications. The approach adopted by UNDT and by which UNDT assessed Mr.; Russo-Got's chances of being selected for the post as one in five was reasonable. In the absence of errors of fact or law by UNDT, UNAT defers to its discretion in awarding and quantifying the pecuniary damages.

Decision Contested or Judgment/Order Appealed

The decision to not select Mr Russo-Got for P-4 ERP/SAP Project Manager post

Legal Principle(s)

The UNDT applied UNAT's reasoning in reviewing the shortlisting decision and considered not keeping a written record of the contested administrative decision with reasons for the shortlisting process to be irregular, as the lack of a contemporaneous written record of the decision to shortlist and the lack of reasons for the shortlisting decision undermine the ability of a staff member to challenge that decision and the ability of the tribunal conducting a judicial review to adequately review the decision and its reasons.

Outcome

Appeal dismissed on merits

Outcome Extra Text

Appeal dismissed and Judgment No. UNDT/2020/077 affirmed.

Full judgment

[Full judgment](#)

Applicants/Appellants

Marius Mihail Russo-Got

Entity

UNOPS

Case Number(s)

2020-1418

2020-1419

Tribunal

UNAT

Registry

New York

Date of Judgement

19 Mar 2021

President Judge

Judge Sandhu

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Burden of proof

Non-disciplinary

Staff selection (non-selection/non-promotion)

Full and fair consideration

Selection decision

Applicable Law

Staff Regulations

- Regulation 1.2(c)
- Regulation 4.1

UN Charter

- Article 101

Related Judgments and Orders

UNDT/2020/077

2018-UNAT-874

2019-UNAT-926

2019-UNAT-960

2012-UNAT-201

2011-UNAT-122

2018-UNAT-829

2016-UNAT-642

2019-UNAT-932