

2021-UNAT-1100, Marius Mihail Russo-Got

UNAT Held or UNDT Pronouncements

UNAT held that UNDT's interpretation of the totality of the evidence on the record was reasonable. UNAT held that UNDT had correctly found that Mr Russo-Got was Candidate A for the P-3 test and Candidate F for the P-4 test and that UNOPS had submitted contemporaneous documentation showing that he was not recommended because he had failed the written assessment for the two tests. UNAT held that UNDT properly reviewed the contested decisions in accordance with the applicable law.

Decision Contested or Judgment/Order Appealed

The decisions to not select Mr Russo-Got for P-3 Business Development Specialist posts and P-4 Process Design Advisor post.

Legal Principle(s)

The Administration has broad discretion in matters of staff selection. In reviewing staff selection decisions, it is the role of the Tribunals to assess whether the applicable regulations and rules have been applied and whether they were applied in a fair, transparent and non-discriminatory matter. The Tribunal's role is not to substitute its decision for that of the Administration. The burden of proof rests with the person making the allegation of improper motive such as bias, in light of the presumption of regularity of administrative acts, and the fact that while the ordinary normally applies, the extraordinary has to be proved.

Outcome

Appeal dismissed on merits

Outcome Extra Text

Appeal dismissed and Judgment Nos. UNDT/2020/075 affirmed

Full judgment

[Full judgment](#)

Applicants/Appellants

Marius Mihail Russo-Got

Entity

UNOPS

Case Number(s)

2020-1417

Tribunal

UNAT

Registry

New York

Date of Judgement

19 Mar 2021

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Burden of proof

Non-disciplinary

Staff selection (non-selection/non-promotion)

Full and fair consideration

Applicable Law

Staff Regulations

- Regulation 1.2
- Regulation 4.2
- Regulation 4.3
- Regulation 4.4

UN Charter

- Article 101

Related Judgments and Orders

UNDT/2020/075

2021-UNAT-1090

2017-UNAT-711

2015-UNAT-540

2013-UNAT-346

2014-UNAT-454

2015-UNAT-547

2019-UNAT-932

2017-UNAT-747

2015-UNAT-603

2011-UNAT-122

2017-UNAT-762

2011-UNAT-174

2011-UNAT-172

2016-UNAT-642