

UNDT/2022/029, Ponce Gonzalez

UNAT Held or UNDT Pronouncements

The Tribunal is satisfied that the evidence supports the Hiring Manager's evaluation of the selected candidate's candidacy. Based on the evidence, the Tribunal finds that it was within the Respondent's discretion to select the successful candidate. Moreover, the Tribunal is not persuaded that the Applicant has shown that he had a significant chance of selection over the selected candidate, absent any of the procedural irregularities that he alleges.

Decision Contested or Judgment/Order Appealed

Non-selection for a post at the P-5 level.

Legal Principle(s)

The Administration has broad discretion in matters of staff selection. In reviewing such decisions, the Dispute Tribunal must assess whether the applicable procedure was applied in a fair, transparent, and non-discriminatory manner. The Dispute Tribunal's role is not to substitute its decision for that of the Administration. Any irregularity (procedural or substantive) in promotion cases will only give rise to an entitlement to rescission or compensation if the staff member has a significant or foreseeable chance for promotion. The irregularity must be of such a nature that, had it not occurred, the staff member would have had a foreseeable and significant chance for promotion.

Outcome

Dismissed on merits

Outcome Extra Text

Full judgment

[Full judgment](#)

Applicants/Appellants

Ponce Gonzalez

Entity

UNISFA

Case Number(s)

UNDT/NY/2021/051/T

Tribunal

UNDT

Registry

New York

Date of Judgement

25 Mar 2022

Duty Judge

Judge Adda

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Staff selection (non-selection/non-promotion)

Applicable Law

Secretary-General's bulletins

- ST/SGB/2019/2

Related Judgments and Orders

2019-UNAT-932

2019-UNAT-926