

UNDT/2023/086, Dolgopolov

UNAT Held or UNDT Pronouncements

The Tribunal found that the contested decision was lawful on the basis that the selected candidate had more experience than the Applicant and was therefore appropriately ranked the strongest candidate. Based on the documented record and the recommendation of the Hiring Manager, the Executive Director of UN-Habitat lawfully selected the candidate best suited for the functions of the position, taking into account the Organization's gender targets. The Tribunal was satisfied that the Administration had shown that the applicable procedure was followed and that the Applicant's candidacy was afforded full and fair consideration.

Decision Contested or Judgment/Order Appealed

The Applicant contested his non-selection for the temporary job opening ("TJO") of Administrative Officer at the P-3 level with the United Nations Human Settlements Programme ("UN-Habitat") in Nairobi, Kenya.

Legal Principle(s)

The Tribunal stated that a grading methodology can be helpful during the recruitment process; however, it notes that this is not required. In Chhikara 2020-UNAT-1014, the Appeals Tribunal required that in the case of a written test, "a proper and reasonable grading methodology must be adopted and shared with the graders". In the present case, there was no such written test. The Tribunal found that the grading in the "Evaluation Matrix Shortlisted Applications Position", provided by the Respondent, remains within the discretion of the Respondent to choose evaluation criteria.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Dolgopolov

Entity

UNS

Case Number(s)

UNDT/NY/2022/006

Tribunal

UNDT

Registry

New York

Date of Judgement

14 Aug 2023

Duty Judge

Judge Adda

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Selection decision

Staff selection (non-selection/non-promotion)

Applicable Law

Administrative Instructions

- ST/AI/2010/4/Rev.1
- ST/AI/2020/5

Related Judgments and Orders

2011-UNAT-110

2019-UNAT-932

2018-UNAT-829

2020-UNAT-1014