

4. Upon assessment by the @A's and dates of the (an the A !"#ant 3e&e "n"t"ally s(o&t!"sted and "n."ted fo& a #om eten#y,%ased "nte&."e3. The @A (ad dete&m"ned t(at the A !"#ant d"d not meet a!! t(e &e:u"&ements of t(e ost' "n a&t"#u!a& 3"t(&es e#t to 3o&; e< e&"en#e. To Cust"fy (e& de#"s"on' t(e @A 3&ote "n Inspira&

\$. Do!o3"ng &e#e" t of t(e #!a&"f"#at"ons' t(e C7B endo&sed t(e &e#ommendat"on &esented to "t' and on 22 June 2012' "ts a &o.a! 3as su%mtted to t(e Oe#&eta&y, Gene&a! of UNCTAD' not"ng t(at (e #ou!d &o#eed 3"t(t(e f"na! se!e#t"on' 3 ("#((e d"d.

9. By e,ma"! of 29 June 2012' t(e @A "nfo&med t(e A !"#ant of t(e de#"s"on to se!e#t anot(e& #and"date fo& t(e #ontested ost. By e,ma"! of 22 July 2012 and su%se:uent &em"nde& of \$ August 2012' t(e A !"#ant &e: uested feed%a#; f&om t(e @A on ("s non,se!e#t"on' "n#!ud"ng t(e &eason 3 (y (e (ad not %een "n."ted fo& an "nte&."e3.

10. *n 21 August 2012' a gene&"# e,ma"! 3as sent to t(e A !"#ant f&om t(e a##ount (["&"ngGde a&tmentHun.o&g](#) "nfo&m"ng ("m t(at ("s a !"#at"on fo& t(e #ontested ost l=3ou!d> not %e #ons"de&ed fu&t(e&2.

11. *n 24 August 2012' t(e A !"#ant &e: uested adm"n"st&at".e &e."e3 of t(e de#"s"on to se!e#t anot(e& #and"date fo& t(e #ontested ost.

12. By !ette& of 9 *#to%e& 2012 f&om t(e Unde&,Oe#&eta&y, Gene&a! fo& Aanagement' #ommun"#ated to t(e A !"#ant %y e,ma"! of 11 *#to%e& 2012' t(e !atte& 3as "nfo&med t(at t(e #ontested de#"s"on 3as u (e!d.

16. *n 2\$ De#em%e& 2012' t(e A !"#ant su%mtted ("s a !"#at"on to t(e T&"%una!. /n ("s su%mt"ss"on' (e &e: uested t(e T&"%una! to o&de& t(e 7es ondent to &o."de do#uments &ega&d"ng t(e se!e#t"on &o#ess.

14. *n 2 Janua&y 2016' t(e a !"#at"on 3as se&.ed on t(e 7es ondent and on

assessment that only ("s assignment 3"t(t(e *ff"#e of t(e D"&#to& of D/TC
3as &e!.ant 3as "n#o&&e#t' on t(e #ont&a&y' (e (as 22 yeas of ost,g&aduate
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d. T(e #&"te&"a set "n t(e VA 3e&e a !"ed "n a mo&e !en"ent 3ay to t(e
su##essfu! #and"date 3"t(&ega&d to t(e &e!.an#e of (e& 3o&; e< e&"en#e&

e. The selected date meets all the elements set forth in the VA form contested cost and as the only suitable date for the cost of the "n" fee of the:ua! treatment a "es only 1"n #om a&a%le s'tuat'ons' 3 ("#((a.e not %een demonst&ated o& su%stant"ated %y t(e A !"#ant2' as t(e su##essfu! #and"dateFs e< e&"en#e "s 1not #om a&a%le2 to ("sb fu&t(e&mo&e' 1t(e &"n#" !e of e:ua! t&eatment may not %e e!"ed on fo&t(e u& ose of &e: uest"ng e:ua!!y "na &o &"ate o& "!"lega! t&eatment2B

f. The C7B did not request the s e#"f"# #!a&"f"#at"ons 3 t(&ega&d to t(e A !"#antFs #ase %ut 3as sat'sf"ed t(at ("s #and"datu&e (ad %een e.a!uated on t(e %as"s of t(e &e,a &o.ed e.a!uat"on #&"te&"a and t(at t(e a !"#a%le &o#edu&e (ad %een fo!!o3ed2B

g. The a !"#at"on s(ou!d %e &eCe#ted "n "ts ent"&ety.

Consideration

Scope of the application

21. At the outset the T&"%una! notes that the "s request for management evaluation of 24 August 2012" the A !"#ant "nd"#ated t(at (e #(allenged t(e de#"s"on to select another date for the contested cost' 3(e&eas "n ("s a !"#at"on %efo&e t(e T&"%una!' (e "dent"fed t(e #ontested de#"s"on as t(e de#"s"on not to "n#lude ("m "n t(e s(o&t!"st of #and"dates "nte&."e3ed fo&t(e ost. At a late& stage "n t(e &o#eed"ngs' t(e A !"#ant &e: uested !e.a.e to amend ("s a !"#at"on to also #o.e& t(e de#"s"on to select t(e su##essfu! #and"dateB (o3e.e&' (e e< &ess!y ment"oned t(at (e 3as not &e: uest"ng &es#"ss"on of t(at de#"s"on' %ut me&e!y to %e a%le to sum"t t(e a&gument t(at t(e su##essfu! #and"date (ad %enef"ted f&om a mo&e !en"ent "nte& &etat"on of t(e 3o&; e< e&"en#e &e:u&ement t(an ("mse!f. Do& ("s a&t' "n ("s &e !y to t(e a !"#at"on' t(e 7es ondent fo#used on t(e de#"s"on not to select t(e A !"#ant fo&t(e ost' and stated at t(e (ea"ng t(at (e d"did not &a"se any o%Ce#"on to t(e fa#t t(at t(e A !"#ant also 3"s(ed to #ontest t(e sele#"on of t(e su##essfu! #and"date fo&t(e ost.

22. The Tribunal is satisfied that the Applicant's claim for compensation for moral damage is well founded in law and fact.

2. The duties of a Judge are to take into account the interests of the parties and the interests of the community as a whole. The Tribunal is satisfied that the Applicant's claim for moral damage is well founded in law and fact.

6. The Tribunal is satisfied that the Applicant's claim for moral damage is well founded in law and fact.

26. Based on the evidence, the Tribunal is satisfied that the Applicant's claim for moral damage is well founded in law and fact.

Legality of the contested decision

24. The Tribunal is satisfied that the Applicant's claim for moral damage is well founded in law and fact.

62. Based on the above observations, it is clearly not for the Tribunal to substitute its own views and to elaborate on the assessment of the test as a whole @ A' as long as the assessment itself is based on obvious facts that should be clearly reflected in the material time records

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Conclusion

64. /n . "e3 of t(e fo&ego"ng' t(e T&"%una! D5C/D508

T(e a !"#at"on "s d"sm"ssed "n "ts ent"&ety.

+Signed-

Judge T(omas)a;e&

Dated t("s 16th day of Aa&#(2014

5nte&ed "n t(e 7eg"ste& on t("s 16th day of Aa&#(2014

+Signed-

7enK A. Va&gas A.' 7eg"st&a&' Gene . a