

Translated from French



Application

1. In her appeal to the Joint Appeals Board (JAB), registered on 4 June 2008, the applicant requested it to recommend that:

- The decision of the High Commissioner for Refugees not to promote her to the P-4 level in 2007 should be rescinded;
- The decisions not to promote her in the years prior to 2007 should be rescinded;
- She should be awarded compensation for the harm suffered.

2. In its resolution 63/253, the General Assembly decided that all cases pending before the Joint Appeals Board as at 1 July 2009 would be transferred to the United Nations Dispute Tribunal.

Applicant's submissions

3. The applicant states that she worked in remote non-family duty stations, was appreciated by her supervisors and had received good appraisals and that the refusal of promotion caused her great harm.

4. She limited herself to claiming in her appeal of 4 June 2008 that the contested decision was taken in violation of staff rules 4.2 and 4.3.

5. At the hearing held on 24 September 2009, the applicant maintained that no account had been taken of the fact that she had been underfilling a post at the P-4 level for almost two years and that she had not been recommended for a higher-level post for the last six months, from January to June 2007. At the first promotion session, she had obtained 67.2 points and ranked higher than the last woman in her group to have been promoted, with only 66.4 points. Her status as staff member in between assignments had influenced the contested decision, even though she had repeatedly requested assignment. Account was not taken of the posts held at non-family duty stations. Some staff members had been promoted although they were not eligible.

Judgment

9. The applicant contests the decision by which the High Commissioner for Refugees refused to award her a promotion to the P-4 level in 2007 and contested before the Joint Appeals Board (JAB) the decisions by which the High Commissioner refused to award her a promotion in previous years. However, while it is not contested that the denial of prom

the same period had been described as superior, it is nevertheless the case that she did not contest the decision to refuse to recommend her, which thus became final. The provisions of section IV of the Procedural Guidelines of the Appointments, Postings and Promotions Board stipulate that the supervisor's recommendation is one of the most important criteria for the Board to take into account.

15. It is not sufficient for the applicant to submit that the Board did not take into account the many years during which she was assigned to hardship and non-family posts, when the minutes of the above-mentioned recourse session indicate that her entire career was considered.

16. Accordingly, the applicant has not established that the decision denying her promotion in 2007 was taken improperly or that it was vitiated by a manifest error. Her application must therefore be rejected.

17. For these reasons, the Tribunal DECIDES:

The application is rejected.

Judge Jean-François Cousin

Dated this 16th day of October 2009

Entered in the Register on this 16th day of October 2009

Víctor Rodríguez, Registrar, UNDT, Geneva