

Case No. UNDT/GVA/2015/135

Judgment No. UNDT/2016/042

6. The arbitration was filed on 20 March 2015. The proceedings were suspended in June 2015 to allow mediation efforts to

d. The 's' and not a 't' at the end of the word 's' is not a 't' at the end of the word 's' as the 's' is not a 't' at the end of the word 's' as the 's' is not a 't' at the end of the word 's'.

Consideration

14. The 's' is not a 't' at the end of the word 's' as the 's' is not a 't' at the end of the word 's' as the 's' is not a 't' at the end of the word 's'.

15. The 's' is not a 't' at the end of the word 's' as the 's' is not a 't' at the end of the word 's' as the 's' is not a 't' at the end of the word 's'.

16. The 's' is not a 't' at the end of the word 's' as the 's' is not a 't' at the end of the word 's' as the 's' is not a 't' at the end of the word 's'.

In the interest of 'ea!\$ng f\$na#t9 \$n d\$s"os\$ng of t!\$s "a't\$%u#a' 5one of
%ontent\$on. -o8e.e'/' and \$nsofa' as !e m\$g!t 5e deemed to 5e \$n%#ud\$ng a
%!a##enge to t!e \$nte'med\$a'9 o' "'e"a'ato'9 'e<u\$'ement t!at t!e 8 '\$tten test
ans8e's 5e t9"ed/ t!e a""#\$%at\$on 8ou#d not 5e 'e%e\$.a5#e \$n an9 e.ent (see
2011)UNAT)152*/ \$n a%o'dan%e 8\$t! a't. 2.1(a* of t!e T'\$5una#Bs ,tatute and t!e
'e#ated =u'\$s"'uden%e on 8!at %onst\$tutes an a""ea#a5#e admn\$st'at\$.e de%\$\$son
(2010)UNAT)030/ 2010)UNAT)013/ 2013)
UNAT)304/ endo's\$ng t!e defn\$st\$on ado"ted \$n t!e fo'me' Un\$ted Nat\$ons
Admn\$st'at\$.e T'\$5una# Judgment No. 115@/ (2003**/ name#9

>a? un\$#ate'a# de%\$\$son ta;en 59 t!e admn\$st'at\$on \$n a "'e%\$\$se
\$nd\$. \$dua# %ase (\$nd\$. \$dua# admn\$st'at\$.e a%t*/ 8!\$%! "'odues
d\$'e#t #ega# %onse<uen%es to t!e #ega# o'de'.

1 . A## s!o't#ssted %and\$dates 8e'e 'e<uested to ta;e a 8 '\$tten test t!at \$n.o#.ed
t9"\$ng t!e ans8e's to t8o <uest\$ons des\$gned to assess s;\$##s \$n &uss\$an 'e.\$\$son.
T!e A""#\$%ant d\$d not su5m\$t !\$s ans8e's 5e%ause !e %ons\$de'ed t!at t!e
Admn\$st'at\$on 8as not ent\$t#ed to \$m"ose on !\$m a

not 'efe''ed to an9 'u#e "'es%'\$5\$ng t!at t!e met!odo#og9 used fo' a test must ne%essa'\$#9 'e"#\$\$ate t!e \$nte'na# 8o';f#o8s.

21. T!e T'\$5una# !as 'u#ed "'e.\$ous#9 t!at %and\$dates \$n a se#e%t\$on "'o%ess must %om"#9 8\$t! t!e \$nst'u%t\$ons g\$.en fo' a 8'\$tten test/ and ta;e "e'sona# 'es"ons\$5\$#t9 fo' ma;\$ng t!e ne%essa'9 a'angements to meet t!e 'e<u'\$ement\$ fo' su%! %om"#\$an%e. Ga\$#u'e to do so ma9 "'o'e'#9 #ead to t!e\$' e0%us\$on f'om t!e 'e'u\$tmnt "'o%ess (UNDT/2013/030*. T!e on#9 a"'#\$%a5#e 'e<u'\$ement \$s t!at t!e met!odo#og9 of t!e tests 5e fa\$' and 'easona5#e and not des\$gned de#5e'ate#9 to %onfe' an ad.antage on a "'efe''ed %and\$date o'/ a#e'nat\$.e#9/ to d\$sad.antage a "a't\$u#a' %and\$date/ 8!o ma9 t!en %!a##enge t!e de%\$\$son 59 f#\$ng a %a\$m a##eg\$ng t!at t!e'e !as 5een a mate'\$a# '\$'egu#a'\$t9 \$n t!e se#e%t\$on "'o%ess. A"'#9\$ng t!at "'\$n%"#e to t!\$s %ase/ t!e T'\$5una# f\$nds t!at t!e Adm\$n\$st'at\$onBs de%\$\$son 'e<u'\$ng 'e#at\$.e#9 sen\$o' s"e%\$a#\$sts \$n t!e &uss\$an #anguage to 5e a5#e to t9"e \$n &uss\$an \$s 8\$t!\$n t!e d\$\$%'et\$on a##o8ed to t!e Adm\$n\$st'at\$on and/

Judgment

25. The Judgment of the Tribunal at the time of its adoption is hereby affirmed.

26. The Tribunal's findings and conclusions are affirmed.

(*)

Judge Goocham Chean

Dated this 26th day of April 2016

Entered in the Registry on this 26th day of April 2016

(*)

EnH 3. Vargas 3. / Registrar General