
UNITED NATIONS DISPUTE TRIBUNAL

Cases Nos.: UNDT/NY/2019/060/R1
UNDT/NY/2019/070/R1
Judgment No.: UNDT/2021/067
Date: 10 June 2021
Original: English

Before: Judge Joelle Adda

Registry: New York

Introduction

1. On 19 December 2019, the Dispute Tribunal issued Judgment No. UNDT/2019/183 the selection process for the post of UN Working Paper No. 7004/C005670/050

8. On 11 June 2017, the Applicant shared a draft request for management evaluation of the alleged decision not to select him to the Post to the Hiring Manager
draft management evaluation request
forwarded, on the same day, to the UN Women Deputy Executive Director.
9. On 19 June 2017, the Applicant filed his draft management evaluation request
10. On 6 July 2017, the Human Resources Section informed all candidates, including the Applicant, that the selection process for the Post had been cancelled and that the position would be re-advertised in a new recruitment process.
11. On 13 July 2017, the Applicant filed a second request for management evaluation contesting the cancellation of the selection process for the post management .
12. On 18 July 2017, the Applicant was notified that his first management evaluation request was rejected as the selection for the Post had been cancelled.
13. On 11 August 2017, the Applicant was informed that his second management evaluation request was rejected.
14. On 4 September 2017, the Applicant joined the UN Women Albania Country Office as Representative at the P-5 level.
15. On 13 October 2017, the Post was re-advertised in a second recruitment process.
16. On 29 October 2017, the Applicant applied for the Post.
17. On 20 July 2018, the Applicant was informed that he was not selected for the Post.

33. The Tribunal also heard the testimony of the Hiring Manager. She testified that in principle, she would have discussed her preferences for the selection of the Post with the Executive Director but that she did not remember having done so in this case.

34. The witness was also asked about the text messages exchanged with the Applicant in May and June 2017 in which she appears to propose to organize a meeting with the Executive Director concerning the selection process to a post in Palestine. The Hiring Manager stated that she did not remember the context in which these texts were exchanged.

35. The Tribunal also reviewed an email exchange between the Applicant and the Hiring Manager of 18 May 2017. The Applicant expressed his frustration with the selection process

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told you before please let's not project the future until it comes. We don't know what will be the decision if she will embrace or not the recommendation of the [recruitment panel]. The [Executive Director] has the prerogative to decline and this is her management decision. We are not there

36. As for the Executive Director believe that the Hiring Manager has no recollection of the details of her conversations with the Applicant or with the Executive Director concerning the selection process for the Post, particularly in view of the contemporary documentation.

37. The Applicant himself testified that the Hiring Manager called him on 12 June 2017 to notify the selection decision. He refers to an exchange of texts with the Hiring Manager in which she tells h I explained all [purportedly to the Executive Director] and she fee will inform

or not given that the Applicant
has not appealed it.

48. Moreover, the Tribunal has determined that the reasons underlying the decision to cancel the first selection process were based on supported facts. Therefore, any decision to withdraw an offer of appointment elsewhere cannot be found to have any bearing on the legality of the cancellation decision.

49. Finally, the Tribunal notes that the cancellation decision was caused by the discovery of a breach in the integrity of the process which was disclosed by the Applicant himself. As the Acting Director of Human Resources testified, the Executive Director was not aware of the confidentiality breach until the Applicant shared his draft management evaluation request on 11 June 2017.

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of being discriminated as a candidate for the Post, he had no choice but to immediately inform Human Resources.

51. The Applicant was indeed entitled to submit a challenge against a non-selection decision based on the information received prior to the decision being finalized. However, in application of art. Statute, he may only do so once an administrative decision, which the Applicant deems to be in violation of his contractual rights, has been finalized.

52. Moreover, the Applicant argues that his disclosure of a breach in the confidentiality of the selection process

This argument lacks merit because it was the Applicant himself who unilaterally chose

to share his draft management evaluation request before the first selection Iltion Iltion Iltion Ilti0.0000-prior

Conclusion

59. In light of the foregoing, the application is rejected.

(Signed)

Judge Joelle Adda