

Judgment No. 2020-UNAT-1071

Counsel for

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1. Mr. Krioutchkov appeals Judgment No. UNDT/2019/185, which dismissed his application on remand and concluded that the contested decision of the Administration not to consider his candidacy for Job Opening (JO) 63349 was I

8. Mr. Krioutchkov submits that the UNDT made a series of legal and factual errors that led to an erroneous finding that his disqualification from the selection process was not unlawful. The UNDT failed to implement the Appeals Tribunal Judgment No. 2019-UNAT-919 remanding his case to the UNDT for additional fact-finding as to whether the Inspira reflected the variety of the educational systems of all the Member States equally in 2016. It failed to address the central issue of the Inspira adaptability to the Russian/Soviet education system.

9. Moreover, the Dispute Tribunal erred in finding, without any reasoning, analysis or factual support, that Mr. Krioutchkov had incorrectly entered his educational details in his application, and that he should have ticked the "Specialist Diploma" option. The UNDT did not consider the arguments that he had put forward in this regard, especially in his closing submissions. In addition to his academic title in Russian, Mr. Krioutchkov's personal history profile (PHP) contained detailed information about his degree, in English, which was sufficiently clear for the Administration to reach a proper determination on his eligibility.

10. Additionally, the UNDT placed too much emphasis on irrelevant factors such as the automated nature of the pre-screening process and failed to consider directly relevant factors such as the lack of guidance and information in respect of the referencing of the academic degrees, especially regarding the "Specialist Diploma" option, even in the Inspira Applicant's Manual, on which the UNDT had heavily relied.

11. The UNDT was correct in finding that the Administration had complied with the requirements of Administrative Instruction ST/AI/2010/3 (Staff selection system).

12.

13. The Dispute Tribunal correctly implemented Judgment No. 2019-UNAT-919 when it requested the Organization to provide the specific pieces of evidence and examined the Inspira system in detail.

transparent and non-discriminatory manner. The Tribunals' role is not to substitute their decision for that of the Administration.

18. The UNDT correctly applied the foregoing principles in considering Mr. Krioutchkov's challenge to the select

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lower than Bachelor's. The same table also established that the option "Master's or equivalent" should be clicked if Mr. Krioutchkov held an Advanced/Post Graduate Degree.

29. Consequently, as the Secretary-General correctly avers, Mr. Krioutchkov was in position and had every opportunity to properly enter his degree in the Inspira system, which reflected the variety of educational systems of all of the Member States equally. Nevertheless, Mr. Krioutchkov, while indicating that he had attended the MGIMO

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