

Introduction

1. The Applicant filed on 1 February 2014* the Applicant's contestation of the decision to select the Applicant for the posts of Senior Consultant in the Department of

sent an email to the 6.C. - DC 5 - indicating inter alia that a more detailed analysis of the funds of the concerned institution, as needed.

The D71 host of C+ef - DC 5 = 2a and since 1 August 2013, as transferred on loan to the Department for General Assemblies and Conferences Management / DGAC 541 - upon request of the Under-Secretary-General for DGAC 5 effective 2 September 2013 through 30 June 2014. The beginning of 2013 the D71 host of C+ef - DC 5 was used as a first time under J6 26430, with a signing date of 12 May 2013, without generating a successful and date? success? under J6 28846, with, as an assigned upon the temporary loan of the host to DGAC 5? final? under J6 32:08, with a signing date of 23 May 2014.

8. The Note de service dated 3 October 2013 referring to the loan of the host of C+ef - DC 5 to DGAC 5 until 30 June 2014 the Director of DC 5 announced that the responsibilities of the institution - effective from 4 October 2013 through 30 June 2014, would be assigned to the C+efs of - effective for the periods of approximately two months each. The effective for the first period from 4 October 2013 through 30 June 2013: Deem(e) 2013 = the responsibilities, as assigned to one of the C+efs of - effective DC 5. On 3 December 2013 the Director of DC 5 decided that said C+ef of - effective, would continue to serve as 36.C of the A.-B until the resignation of the new, C+ef of - effective.

C. The memorandum of 20 November 2013 addressed to the Under-Secretary-General for UN6G - staff responsibilities DC 5 the Under-Secretary-General for DGAC 5 - on the reasons for the decision to temporary loan the D71 host of C+ef - DC 5 to DGAC 5. The latter noted that in 2013, of the concerns expressed ("staff to ensure continuity" + added (been agreed to appoint one 6.C. - UN6G for the, + the duration of the loan and stated that the C+efs of - effective DC 5, would be intended to act as 6.Cs during that period.

10. On 12 December 2013 the C+ef of - effective e-mails" acting as 36 ff(e) 7n7 C(a)ge responsibilities - effective DC 5 4 sent a memorandum to 9 5 - UN6G

separated and date and a female and date of the transaction of the A##\$&ant* for selection to the , o #osts opened under said J6.

11. On 10 December 2013* the Director of Administration* UN6G* transmitted the recommendation for the , o #osts opened under J6 1378AN7UN6G72 6 7 97G0N0VA /81* in studying the list of the proposed and dates* to the Acting Director/General* for the final selection decision. The aforementioned memorandum of 10 December 2013 , as an integral part of the submission to the Acting Director/General.

12. On 12 December 2013* the Acting Director/General* selected the , o #osts recommended and dates for the , o #osts. The , e notified of the selection on 13 December 2013. The A##\$&ant (name a, a) of the decision , then subsequently into the .N-P.9A amount on 13 December 2013.

13. On 20 December 2013* the A##\$&ant submitted a request for management evaluation of the decision to select the , o #osts opened under the aforementioned J6.

14. Also on 20 December 2013* the A##\$&ant filed a request for suspension of action of the selection decision in favour of the selected and date. The T)(una\$* (" 6)de) No. 200 /GVA/2013) of 31 December 2013* ordered that the decision in ;uestion (e suspended* pending the outcome of the A##\$&ant's request for management evaluation. !" memorandum of 4 'e(ua)" 2014* the Under -e(eta)"7General* for 5 management informed the A##\$&ant that the -e(eta)"7

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Consideration

21. The T)(una\$)e&a\$\$s t)e Eu)%#)uden&e of t)e A##ea\$s T)(una\$ %n
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23. The respondent to the question, who acted as the respondent argues that a Chief of Section " (e appointed as C. C. .- * in accordance with staff rule 3.10/a) and from the date of his appointment to act as the respondent in the selection process for the contested post, the respondent notes that in an interim final selection decision, as taken (" the Acting Director-General UN6G, who under the terms of T/A./2010/3/Amend.1 and the annex of the relevant regulation, the dates of the selection process, who, she is not recommended for selection (" the respondent).

24. The Tribunal, in response to the question that it results from various provisions of T/A./2010/3/Amend. 1 that the respondent has an important role at the

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Gender equality under ST/ I/! """/"

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36. The Tribunal notes that the representations of the Applicant, as a
witness, are not supported by the evidence; the Tribunal is not satisfied that the
evidence is credible and reliable.

30. The respondent's submission of supporting documentation⁴ is essential to the Panel's findings and is recommended for review, especially in addition to some of the documents submitted as the J6. In fact, for example, the Panel of the Appeals, as not submitted to the Appeals Division (Geneva).

40. In these circumstances and in the absence of a written analysis, the Appellate is required to review the supporting documentation as required under section 1.8/d1 of -T/A./1CCC/C the Tribunal (cannot undertake that the Administrative Tribunal failed to review said provisions. It further notes that the Tribunal's decision on the appeal was based on the review of the Appeals Division (Geneva), and as a result, as based on the recommendation of a person, who, as not duly authorized to act as a manager and second, as a result of the information and, without sufficient documentation.

41. In view of these factors, the Tribunal's decision is not necessary for the Tribunal to assess, together with the additional arguments regarding section 1.8/a1 of -T/A./1CCC/C. It is sufficient to affirm, since that the Appeals (being a contested and dated) and a significant and an act to (elected for) the post. Therefore, the contested decision was to (elected) as required ("the Appeals).

Consequences of the rescission

42. In the event of a contested decision, the Tribunal's decision is a matter of fact. Article 10.1/a1 of the Tribunal's Statute provides, together with the Tribunal's decision, the rescission of a contested decision by the Judge shall set an amount of compensation that the respondent may elect to pay as an alternative to the rescission of the contested decision.

43. As the Tribunal's decision of the Appeals Tribunal (cannot determine the amount of compensation under) article 10.1: of the Statute in non-contested cases, the decision must take into account the facts of the case, the nature of the Tribunal's decision, and the rescission of the contested decision, as based and an act that the staff member, would have had to (be) promoted had the Tribunal's decision not been

committed /Solani 20107UNAT7044? see. also MeSoui 20127UNAT7220 and
%leton 20137UNAT734 1. The Applicant (una also added that, when assessing
substantive on the basis of the proposed amount for an Applicant to be
promoted (out of the proposed) (e.g. the method of the difference in salary)
(e.g., even an Applicant's grade and that of the contested post that an employee into
amount should be limited to a maximum of two years /Hastings 20117UNAT7
10C1.

44. In the case at hand the Tribunal (una also decided to) send the selection
decision on the basis of the proposed) (e.g. the method of the difference in salary)
<ing 5 range) (e.g. the method of the difference in salary) to act as such and that no written analysis
and appropriate supporting documentation, be submitted to the Applicant

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/&. Mal&stro& et al. 20137UNAT73: ? de&agic et al' 20137UNAT73:Cl.

Conclusion

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Judge T+omas 8aFe)

Dated t+%s 1C^{t+} da" of June 2014

Case No. UNDT/GVA/2014/003

Judgment No. UNDT/2014/068