

1. The Applicant (USSIAN TRANSATO) P3, (USSIAN -language UNIT Con e)en&e and Do&umentat%on .e)/%&es .e&t%on' 0&onom%& and .o&%a\$ Comm%ss%on o) As%a and t"e Pa&% %&' &ontests "s non+se&e&t%on' lased on t"e non+ad/e)t%sement o a se&ond #ost unde) Jo1 2#en%ng *3J24, 12+- AN+UN2G+25120+(+Gene/a *-,' and t"e se&e&t%on o a &and%date 5%t"out an& &om#et%t%on unde) sa%d J2.

2. As remedies' "e ye7uests to le a o)ded 3t"e UN o1\$%gations o good a%t" and due #)o&ess %n t"e u\$\$ and a% &ons%de)at%on4 o "s &ase' as 5e\$\$ as an& ye\$e &ustoma)6 %n su&" %nstan&es at t"e d%&s&)et%on o t"e T)%1una\$.

3. 2n 14 .e#tem1e) 2012' a /a&a&n&6 o) a #ost o (USSIAN (e/%se) *P4,' (USSIAN TRANSAT%on .e&t%on *3(T.4,' D%/%s%on o Con e)en&e 8anagement *3DC 84,' United Nat%ons 2 %&e at Gene/a *3UN2G4,' 5as ad/e)t%sed unde) J2 12+- AN+UN2G+25120+(+Gene/a *-,' *J2 25120,. T"e dead\$%ne o) a##\$&at%ons 5as 20 No/em1e) 2012. T"e Jo1 2#en%ng *3J24,)ead' inter alia9

This post is \$o&ated %n t"e : (T.; %n t"e :DC 8 ;

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t"e (e/%se) 5\$\$ le)es#ons%1\$e o) t"e o\$\$o5%ng duties9 < *em#"as% added,

4. T"e (es#ondent &\$a%ms t"at' s%n&e %ts %n%t%a\$ %nt)odu&t%on %n t"e =ns#)%a s%stem' t"e &o))es#ond%ng J2 &on&e)ned t5o %dent%&a\$ #osts9 one to le&ome /a&ant on 1 De&em1e) 2012' and t"e ot"e) on 1 August 2013. T"e J2 d%d not %nd%&ate t"at %t &on&e)ned t5o #osts.

5. T"e Applicant a##\$ed on 24 .e#tem1e) 2012. 2ut o 40 a##\$&ants' %/e 5e)e s&eened as e\$%g%1\$e9 t5o)om t"e)oste) o #)e+se&e&t&ed &and%dates o) %m%\$a) #os%t%ons >%e.' t"e Applicant and one ot"e) &and%date >and t"e)ee

Case No. UNDT/GVA/2014/057

Judgment No. UNDT/2016/013

12. On 16 March 2014, the Respondent informed the Applicant that she had received a copy of the decision of the Administrative Tribunal of Geneva dated 12 February 2014. The Applicant stated that she had received a copy of the decision of the Administrative Tribunal of Geneva dated 12 February 2014. The Applicant stated that she had received a copy of the decision of the Administrative Tribunal of Geneva dated 12 February 2014.

13. On 5 March 2014, the Respondent informed the Applicant that she had received a copy of the decision of the Administrative Tribunal of Geneva dated 12 February 2014. The Applicant stated that she had received a copy of the decision of the Administrative Tribunal of Geneva dated 12 February 2014. The Applicant stated that she had received a copy of the decision of the Administrative Tribunal of Geneva dated 12 February 2014.

14. On 28 August 2014, the Respondent requested management evaluation of the decision of the Administrative Tribunal of Geneva dated 12 February 2014. The Applicant stated that she had received a copy of the decision of the Administrative Tribunal of Geneva dated 12 February 2014. The Applicant stated that she had received a copy of the decision of the Administrative Tribunal of Geneva dated 12 February 2014.

15. The Applicant stated that she had received a copy of the decision of the Administrative Tribunal of Geneva dated 12 February 2014. The Applicant stated that she had received a copy of the decision of the Administrative Tribunal of Geneva dated 12 February 2014. The Applicant stated that she had received a copy of the decision of the Administrative Tribunal of Geneva dated 12 February 2014.

16. The Respondent stated that she had received a copy of the decision of the Administrative Tribunal of Geneva dated 12 February 2014. The Applicant stated that she had received a copy of the decision of the Administrative Tribunal of Geneva dated 12 February 2014. The Applicant stated that she had received a copy of the decision of the Administrative Tribunal of Geneva dated 12 February 2014.

17. On 22 August 2014, the Respondent stated that she had received a copy of the decision of the Administrative Tribunal of Geneva dated 12 February 2014. The Applicant stated that she had received a copy of the decision of the Administrative Tribunal of Geneva dated 12 February 2014. The Applicant stated that she had received a copy of the decision of the Administrative Tribunal of Geneva dated 12 February 2014.

18. Pursuant to Article 133 of the Law on Administrative Tribunal of Geneva dated 12 February 2014, the Respondent stated that she had received a copy of the decision of the Administrative Tribunal of Geneva dated 12 February 2014. The Applicant stated that she had received a copy of the decision of the Administrative Tribunal of Geneva dated 12 February 2014. The Applicant stated that she had received a copy of the decision of the Administrative Tribunal of Geneva dated 12 February 2014.

Case No. UNDT/GVA/2014/057

Judgment No. UNDT/2016/013

1A.

1. Using one J2 to &o/e)t\$6 se\$e&t &and%dates o) t5o o) mo)e #osts %nstead o &ondu&t%ng se#a)ate t)ans#a)ent se\$e&t%on #)o&esses #)e/ents &and%dates)om a##\$6%ng and \$%m%ts t"e se\$e&t%on o &and%dates' %n 1)ea&" o t"e #)%n&%#ses o a)t. 101.3 o t"e C"a)te) and sta)egu\$ation 4.2. A\$so' se/e)a\$ Gene)a\$ Assem1\$6)eso\$ut%ons)e7u%e t"e announ&ement o 3a\$\$ eG%st%ng /a&an&%es4' su&" as A/(0 ./33/143 and A/(0 ./51/226)

&. =n &ont)ad%t%on to t"e mo1%%t6)e7u%ement #)o&\$a%med 16 t"e Gene)a\$ Assem1\$6 *A/(0 ./53/221, ' a\$\$ P+3 and P+4 #)omotions o) (us\$%an t)ans\$ato)s 5e)e' o/e) t"e \$ast 25 6ea)s' done st)%&t\$6 5%t"%n t"e same se)/%&es/un%ts at a\$\$ dut6 stations 5"e) (us\$%an t)ans\$ation and \$anguage se)/%&es/un%ts eG%st *%.e.' %n Gene/a' Na%)o1% Ne5 Jo)C' BangCoC and V%enna,D

d. T"e A##\$%&ant "as o/e) 30 6ea)s o #)o ess%ona\$ eG#e)%en&e as a (us\$%an t)ans\$ato) *24 6ea)s 5%t"%n t"e UN s6stem, 5%t" an eG&e\$sent

Case No. UNDT/GVA/2014/057

Judgment No. UNDT/2016/013

a\$\$ P+3 (us\$an t)ans\$ato) #osts 5 e)e %\$\$ed 5 %t"out a &om#et%t%/e se\$e&t%on
#)o&essD

I. The 5as a separate e/a\$uation #)o&ess o) t"e se&ond *non+ad/e)t%sed, #ost' %n 5 "%&" t"e A##\$%&ant 5as not a\$\$o5ed to #a)t%&#ate. T"e A##\$%&ant 5as %nte)/%e5ed 16 t"e C"%e ' (T.' UN2G' a\$one on 1! De&em1e) 2012D \$ate)' on 1 @e1)ua)6 2013' t5o ot"e) &and%dates > %e.' t"e se\$e&ted &and%date' 5"o 5as #e/%ous\$6 1ased %n Gene/a and 5as not)oste)ed' and a Ne5 Jo)C+1ased P+4 (uss%an)e/%se) > 5e)e %nte)/%e5ed 16

m. The Applicant has not informed about the composition of the Panel "and" the Board not dispute its composition. The Panel that conducted the interview of 1 October 2013 did not include an independent member of the language service to ensure objectivity.

n. The evaluation of the Applicant has not included the relevant to his & "as languages and English."

o. (Including a "as undergone" ongoing evaluations' found suitable and posted so many times deems the use of the posted assessment. No objective management would use such a date. The "ing 8 age" demonstrated the and 1 as to 5 ads the Applicant)

#. The Applicant's constant and repeated suspension in the posted since 200! Heated a legitimate evaluation of being promoted to a P+4 post in a reasonable time span. The dates included the 5 years promoted 5 in 5 to 6 years.

26. The (essential) contentions are

a. The Applicant's alleged *ratione materiae*. The issue of the contents of the J2 and the alleged non-assignment of the second post do not constitute an administrative decision of the employer. The alleged non-assignment of a post did not affect the Applicant's rights.

1. The Applicant's alleged *ratione temporis*. The Applicant has argued that the selection process was biased and that he had not been selected in the automatic generated email of 23 August 2013. Yet the requested management evaluation on 2 August 2014' that is more than ten months late) and 5 years beyond the prescribed 60-day time limit. It is argued that the notification related to the appointment in January 2013. The communications with the Chief (T. UN2G' and the Human Resources 2 ' (8 . ' UN2G' did not reset the notification date of the assessment of deadness)

establishment and terms of the... As so the... at the... to the...
... T/A=2010/3... un... d...)

"... The... and... as not demonstrated an... u... a... and an...
... a... m...)

Applicant's motion for an additional hearing

27. On 27 December 2015 the Applicant... an additional... hearing...
essential... to... as... witnesses... the... assessment... of... the...
...ous... ost.

28. It should be... that... the... of... the... u...

under the above-mentioned J2 and 'Sog' assumed that it was one and on the host that had been issued. It must be stressed that the wording of the notations did not in any manner affect the number of posts included under the J2. In the context of the advertisement used the singular 'its' wording would have been understood as referring to more than one post.

37. The respondent has stated that the relevant time limits start to run as of the moment a respondent's action is taken on 5 September 2014 at least should a reasonable person see e.g. Chahrour 2014+ UNAT+406' of the UNDT/2011/043. In the case at hand the Applicant on 5 September 2014 the respondent's act at a second non-session had been taken in the context of UN2G' at 'its' request and on the matter posts were associated with the J2 in question and that lot had been issued as a result.

38. The Applicant did submit its request to management evaluation on 2 August 2014 'i.e.' within 60 days of the above date. It also filed the time limit to management evaluation and subsequent that to the Applicant's attention in the context of the Tribunal. Hence the Applicant has not been denied the right to an appeal to the respective statutory time limits.

Case No. UNDT/GVA/2014/057

Judgment No. UNDT/2016/013

a) 10.5, on its date, the Tribunal's findings on a contested administrative decision concerning the amount of compensation to be paid to the respondent as an employee.

41. There is no set-off of the Tribunal to determine the amount of compensation but it must be assessed based on the circumstances of each case. See Sprauten 2012+UNAT+21A. Considering that the Tribunal assessed the Applicant's claims on the second position to be valid. See e.g. #iedermayr 2015+UNAT+603. Given that a finding of one of the employees and dates of the first post and deemed not suitable for the employee's position at the second position at the same time is suitable and dates as evidenced by the fact that the employee is recommended. In the circumstances, it is reasonable to assume that the Applicant had a claim of an employee.

4A. In these grounds, the Tribunal sets at USD 1'000 the amount of compensation in lieu of pension. This amount takes into account the Applicant's claim of an employee as well as the employee's net base salary of 1'500 the one "

51. As stated in para. 46 above, the violation of the Applicant's terms of appointment in the present case was indeed fundamental and grave and necessitated the entire procedure (see e.g. *hao huang* & *ie UNDT/2014/036*; *arrimond UNDT/2014/062*). Consequently, the Tribunal does not evaluate the respondent's damage to be allocated as compensation on this account.

52. *Hristov*, 10.5.1, of the Tribunal's Statute was amended after the *Asariotis* (U.S.) decision to state that such "damages" must be substituted for the respondent's amendment does not apply to the instant case (16 June of the Geneva) (see *ie* created under the Applicant's 1a) regarding the (et) of the respondent's *Robineau 2014+UNAT+3A6*; *ogueira 2014+UNAT+40A*; *Matthes 2014+UNAT+444*, indeed, the applicant's violation under article 5.5 as set forth in *Ju 2014*, 5. The amendment in question was adopted on 11 December 2014, 16 Geneva Assembly resolution 6A/203 and did not enter into force until its adoption on 21 January 2015 (*Ademagic et al. UNDT/2015/115*; *Sutherland et al. UNDT/2015/116*; *weatherstone UNDT/2015/117*).

53. In view of the ongoing Tribunal's DOC-D0.9

a. The contested decision to set aside a second position under J2.12-AN+UN2G+25120+ (Geneva *- , is) ended

1. . "ou'd the (applicant's) compensation instead of the respondent's decision" the Applicant's is the sum of U.D1'000 as an (applicant's)

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