



Case No.: UNDT/NY/2010/096

Judgment No.: UNDT/2011/177

Date: 14 October 2011

## **Introduction**

1. On 22 October 2010, the Applicant filed an application with the Dispute Tribunal contesting a decision dated 14 April 2010 not to select her for a post at the P-5 level in the Inspection and Evaluation Division (“IED”), Office of Internal Oversight Services (“OIOS”).

2. On 22 November 2010, the Respondent filed and served his reply in which he contends that the application is without merit. As a preliminary matter, the Respondent submits that the application is not receivable *ratione materiae* as “the contested communication of 14 April 2010 is not the final decision regarding the selection process”, but “represents a recommendation which was preliminary to the administrative decision not to select another candidate for the post and as such is not contestable before the Tribunal”. The Respondent further avers that the Applicant only requested a management evaluation of the communication of 14 April 2010 but not of the actual selection decision dated 12 July 2010, and that under art. 8 of the Statute of the Dispute Tribunal, the review of the Tribunal is therefore limited to this communication.

3.

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**Facts relevant to the issue of receivability**

9. The following facts are primarily based on the outline provided by the Management Evaluation Unit (“the MEU”) in the management evaluation dated 21 July 2010. It is noted that the Respondent



