



## **Introduction**

1. The Applicant, a staff member of the United Nations Interim Security Force in Abyei (“UNISFA”), appeals the “denial of full and fair consideration for the P-5 post of Chief, Operations and Resource Manager (“the post”) in UNISFA”.
2. The Respondent replied that the application is without merit.
3. For the reasons set out below, the Tribunal finds that the decision not to select the Applicant for the post was lawful and dismisses the application.

## **Facts**

4. On 14 September 2020, the Applicant applied for the post.
5. On 14 December 2020, the Applicant became aware that a selection decision had been made.
6. On 5 January 2021, the Applicant sought management evaluation of the decision not to select him which was upheld on 17 February 2021.

## **Consideration**

### *submissions*

7. The Applicant argues that the Chief Mission Support (“CMS”), who made the selection decision, lacked the required delegated authority from the Head of Mission. He further questions the authenticity of the memorandum dated 24 November 2019 from the Acting Head of Mission to the CMS delegating onto the latter the authority to manage the mission’s human resources and the screenshot of the online portal reflecting the delegation of authority.

8. The Respondent replies that the 12 December 2019 memorandum is authentic, that it bears the UNISFA letterhead and contains a reference number, a stamp and a handwritten note confirming that the CMS received the delegation of authority on 15 December 2019. The subdelegation was subsequently recorded in the online portal as shown in the screenshot submitted into the record.

9. The Applicant further refers to findings by the Dispute Tribunal and Appeals Tribunal concerning separate selection exercises appealed by the Applicant involving the same hiring manager as the one involved in the contested decision under review in this case. The Applicant argues that these findings are binding in the review of this case.

10. The Respondent replies that the selection process under review in this case is not connected to any prior recruitment processes appealed by the Applicant.

11. The Applicant further argues that significant changes were made to the experience requirements for the post which departed from those in the generic job description used in a prior recruitment exercise for the post of Chief, Operations Resource Manager. The Applicant claims that the job description should have remained consistent with the generic job description and that the alteration was introduced to discriminate against him.

12. The Applicant further avers that he meets the minimum and desirable requirements for the post and that his candidacy was not afforded full and fair consideration.

13. The Respondent replies that the Applicant was evaluated against the published criteria and recalls that the job opening listed two desirable criteria: 1) experience implementing UN common system administrative and/or financial policies and practices, and 2) experience planning and administering complex organizational resources in a volatile environment. The Respondent states that the Applicant's personal history profile ("PHP"), which the Hiring Manager considered in its entirety,



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Delegation of authority

24. The Tribunal notes that the 12 December 2019 memorandum from the Head of Mission to the CMS concerning the sub-delegation of authority in matters of human resources bears all indicia of authenticity. It further notes that the delegation was accepted by the CMS on 12 December 2019. The delegation of authority was entered in the sub-delegation portal as shown in the screenshot provided by the Respondent.

25. The Tribunal is therefore satisfied that the CMS had the delegated authority on human resources matters, including recruitment of posts up to the D-1 level, pursuant to ST/SGB/2019/2. The Tribunal sees no merit in the Applicant's assertions that the Respondent manipulated the evidence in this respect.

Vacancy announcement

26. The Applicant alleges that the vacancy announcement incorporated significant changes in the experience required with respect to those used in previously advertised vacancy for the roster of Chief Operations Resources Manager.

27. The Applicant claims that these changes were introduced in order to discriminate his candidacy because the selection process "is to be looked as a continuum".

28. The Respondent denies that the selection exercise for the post was part of a continuum, as claimed by the Applicant.

29. The Tribunal finds no evidence of a link between the selection process under review and any prior selection processes. There is also no evidence, other than the Applicant's speculation, that the vacancy announcement for the post was tailored to exclude his candidacy, nor does he explain why the criteria listed in the vacancy announcement would be beyond the Respondent's discretionary power.

Administration's review of the Applicant's candidacy

30. The Tribunal recalls that in *Ross* 2019-UNAT-

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**Conclusion**

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

*(Signed)*

Judge Joelle Adda

Dated this 25<sup>th</sup> day of March 2022

Entered in the Register on this 25<sup>th</sup> day of March 2022

*(Signed)*

Nerea Suero Fontecha, Registrar, New York