



**Judgment No. 2022-UNAT-1250**



**Counsel for Applicant: George Irving**

**Counsel for Secretary-General: Francisca Lagos Pola**



8. On 18 May 2017, before the Executive Director had reached a decision regarding the selection and before the Executive Director had conveyed a decision to the candidates, Mr. Belsito informed the Hiring Manager that he knew he had been recommended for the position but that he had reason to believe that the recommendation would not be approved by the Executive Director. In response, the Hiring Manager stated that they did not know what the Executive Director's decision would be and reminded him that the Executive Director had the prerogative to decline the recommendation within her managerial discretion.

9. On 11 June 2017, prior to the Executive Director communicating her decision, Mr. Belsito shared with the Hiring Manager and the Deputy Executive Director of UN Women, a draft management evaluation request which he eventually submitted on 19 June 2017. The draft challenged the alleged decision not to select him for the position. On 19 June 2017, still before any decision had been conveyed to the candidates, Mr. Besito filed a management evaluation of the "decision rejecting his candidacy for the post". From these circumstances, it became evident that confidential information regarding the selection had been shared with Mr. Belsito, which other evidence showed included his test results.

10. On 6 July 2017, the candidates who had participated in the selection exercise were notified of the cancellation of the job opening for the position and were informed that the opening for the position would be re-advertised (the cancellation d

13. The position was re-advertised on 13 October 2017 and, on 29 October 2017, Mr. Belsito applied for the position again. On 12 April 2018, following the administration of a written test and interviews, the Central Review Board (CRB) recommended a female candidate without reservations and Mr. Belsito with reservations.

14. On 5 July 2018, the Executive Director approved the CRB's recommendation and offered the position to the candidate who had been recommended without reservations. On 20 July 2018, Mr. Belsito was informed that he had not been selected for the position (the non-selection decision).

15. On 13 August 2018, Mr. Belsito filed a request for review of the non-selection decision. On 13 August 2018, Mr. Belsito filed a request for review of the non-selection decision.



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the Executive Director decided that it was in the best interest of UN Women to cancel the first selection exercise and re-advertise the position.

33. The cancellation decision was therefore motivated by and based on the discovery of a breach in the integrity of the process, in that there had been an evident breach of confidentiality. The text message communications clearly establish that. More tha





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### Judgment

42. The appeal is dismissed, and Judgment No. UNDT/2021/067 is upheld.

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