



United Nations Dispute Tribunal

Case No.: UNDT/GVA/2009/19
Judgment No.: UNDT/2009/046
Date: 16 October 2009
English
Original: French

Registry: Geneva
Registrar: Víctor Rodríguez

ILIC
v.

OF THE UNITED NATIONS

JUDGMENT

Counsel for applicant:
Self-represented

Counsel for respondent:
Shelly Pitterman, DHRM/UNHCR

Application

1. In her appeal to the Joint Appeals Board, registered on 11 December 2008, the applicant requested it to recommend that:

- The decision of the United Nations High Commissioner for Refugees not to promote her to the P-4 level during the 2007 session should be rescinded;

- She should be promoted with retroactive effect;

~~She should be awarded compensation for harm arising from the~~

unlawful decision and for the suffering caused to her.

2. In its resolution 62/252, the General Assembly decided that all cases

pending before the Joint Appeals Board as at 1 July 2009 would be

~~referred to the United Nations Dispute Tribunal~~

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

17. The mistake with regard to her time in UNOHCI was immaterial for that work was prior to her entry into UNHCR on 13 October 2002. Her

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

24. In order for the Tribunal to rescind a decision to deny a promotion, the applicant would have to prove either that the list of promotions to the

[REDACTED]

[REDACTED]

[REDACTED]

resulting therefrom under the Methodological Approach did not cause it to alter its recommendation.

21. ~~However, the Administration does not dispute that the fact sheet~~

concerning the applicant's employment history which was submitted to APPB at the first session contained a mistake in that her assignment to the Office of the Humanitarian Coordinator for Iraq from December 2000 until September 2002 was wrongly classified as experience outside the United Nations; this mistake was not taken into account at the recourse session. Furthermore, it is not disputed that the fact-sheet did not mention that she had performed duties at the higher level from January to July 2007.

32. The applicant claimed, during the oral hearing, that the fact-sheet concerning her employment history had been tampered with; these claims were not substantiated. However, it is up to the judge to take into consideration the unfortunate errors contained in the said fact-sheet and to assess whether they may have seriously undermined her chances of promotion in 2007.

33. The documents in the file show that the applicant, who has failed to