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Case No.: UNDT/GVA/2011/044

Judgment No.: UNDT/2012/011

Date: 23 January 2012

English



### Application

1. The Applicant contests the decision not to select him for the post of Chinese Reviser, at the P-4 level, in the Chinese Translation Service, Documentation Division, Department for General Assembly and Conference Management, at the United Nations Secretariat in New York.

2. He requests rescission of the above decision, the right to be directly appointed to the next available P-4 post in New York or possibly elsewhere and, lastly, compensation for the injury suffered in an amount equivalent to at least two years' salary.

### Facts

3. The Applicant, a staff member at the P-4 level in the Chinese Translation Section of the United Nations Office at Geneva ("UNOG"), applied in September 2010 for the post of Chinese Reviser, at the P-4 le

Applicant to two former training officers for evaluation according to the predetermined criteria.

7. On 8 December 2010, the work of the eight candidates was assessed by the training officers and five candidates, including the Applicant, were shortlisted for interview. One of the Applicant's samples received ratings of 45/100 and 55/100 and the other received ratings of 70/100 and 75/100. On the same day, the Applicant was invited to attend an interview, which was scheduled for 15 December 2010.

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14. The Applicant submitted his application to the Tribunal on 26 July 2011. The Respondent transmitted his reply on 9 September 2011. Subsequently, in an additional memorandum, the Applicant requested further information from the Administration and on 29 September 2011, he submitted his observations on the Respondent's reply.

15. On 11 January 2012, the Tribunal held a hearing on the case. The Applicant appeared in person and Counsel for the Respondent took part by videoconference.

#### Parties' submissions

16. The Applicant's conten,SnRcv-kMvXX,S RcXvw-YXHSfRcw-vbX,SrR,Y-XHpYSodRk-MkwHkvY

Translated from French



The hiring or occupational group manager shall further evaluate all applicants released to him/her and shall prepare a shortlist of those who appear most qualified for the job opening based on a review of their documentation.

24. Section 7.5 continues:

Shortlisted candidates shall be assessed to determine whether they meet the technical requirements and competencies of the job opening. The assessment may include a competency-based interview and/or other appropriate evaluation mechanisms, such as, for example, written tests, work sample tests or assessment centres.

25. It follows from the above provisions that the hiring manager had broad discretion in the choice of the assessment method, taking into account the technical requirements for the post, and, in particular, that she was entitled to make use of an evaluation panel, as she did. The Tribunal considers that, by having two Chinese translation experts evaluate two samples of each candidate's work according to pre-defined criteria, the hiring manager complied with the above provisions, and it is not for the Tribunal to substitute its own assessment of the Applicant's work for that of the two examiners.

26. Thus, the hiring manager was justified in rejecting the Applicant's candidature for the sole reason that the ratings given him were below a pre-established threshold.

27. Lastly, although the Applicant submits that the hiring manager was biased against him and excluded him from the selection procedure because he had dared to contest the legality of some of her previous decisions, his allegations are not supported by any document in the case file and the Tribunal can only note that the eliminatory ratings that he received were given by two Chinese translation experts. Although the Applicant contests their independence, he does not provide any evidence that would call their professionalism into question.

28. Accordingly, as the Applicant has not established the illegality of the

Conclusion

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