
Before:

1). =0 memo&andum dated 16 3 a0 2015\$ the >"&"ng 3 anage& &e#ommended
fou& #and"dates\$ "n#!ud"ng the A !" #ant\$ to the Cent&a! %e/"e : Comm"tee. The

1. The Commission has seen the transcript and self-referencing his :o&? :h"#h 50 the 4&gan"Hat"onDs o:n standa&ds #o&&es onds to tas?s at the P(1 !e/e!\$: "thout g&ant"ng h"m "n &etu&n an0

f. The #!a"m that the A !"#antDs &"o& "n#!us"on on the &oste& ga/e &"se to a !eg"t"mate e@ e#tat"on of se!e#t"on "s unfounded. The >"&"ng 3 anage& : as ent"t!ed to #ons"de& 5oth &oste&ed and non(&oste&ed #and"dates. 3 o&eo/e&\$ the se!e#ted #and"date : as a!so on the &oste&F

g. The A !"#ant addu#es no e/"den#e of the a!!eged geog&a h"#a!
5"asF and

h. The A !"#antDs #!a"ms of #onf!"#t of "nte&est : "th &ega&d to some of the ane!Ds mem5e&s ha/e no me&"t. The Pane!Ds assessment !ed to the A !"#ant 5e"ng &e#ommended and he fa"led to meet the 5u&den of &o/"ng an0 5"as on the a&t of an0 of "ts mem5e&s. The Adm"n"st&at"on add&essed an0 a#tua! o& e&#e"/ed #onf!"#t of "nte&est the Ch"ef\$ %T,\$ &e#used h"mse!f as "&"ng 3 anage& and an ex officio mem5e& f&om >%3 , :as &esent du"ng the A !"#antDs "nte&/"e :

Bias by the initial Hiring Manager and the Applicant's inclusion in the roster

21. The A !"#ant asse&ts that the "n't'a! >"&"ng 3 anage&C ".e.\$ the Ch"ef\$ %T, C had a #onf!"#t of "nte&sts that &ende&ed the !atte& "na t to o5Be#t"/e!0 #ons"de& h"s #and"da#0. The T&"5una! "s sat"sfi"ed that th"s e&son &e#used h"mse!f and that a d"ffe&ent staff mem5e& f&om UN4G :as ass

2"e : "se\$: hen e/aluat"on of #and"dates "s unde&ta?en\$ the status of &oste&ed mem5e& does not #onfe& an0 &efe&en#e o& &"o&"t0 to the &oste&ed #and"dates o/e& the non(&oste&ed ones.

21. , "n#e the A !"#ant : as g"/en a #han#e to #om ete fo& the ost and he "ndeed unde& : ent &e!"m"na&0 s#&een"ng\$: &"tten test and #om eten#0(5ased "nte&/e : "n the same manne& as the othe& #and"dates\$ the T&"5una! f"nds no 5&ea#h of h"s &"ght to fu!! and fa"& #ons"de&at"on.

Administration of the written test

25. As "t has a!&ead0 5een &u!ed "n Krioutchkov UNDT/2016/011 and Krioutchkov UNDT/2016/012\$ "t "s not unfaf& o& un&easona5!e to &e7uest #and"dates to a os"t"on as a s e#"a!"st "n %uss"an !anguage to t0 e "n %uss"an. ;t "s "&&e!e/ant : hethe& o& not the standa&d : o&?"ng &o#edu&es fo& t&ans!ato&s "n the Un"ted Nat"ons "n/o!/e t0 "ng 5e#aue a : &"tten test #ond"t"ons do not need to &e !"#ate "nte&na! : o&?f!o:s. , "n#e the same #ond"t"ons : e&e a !"ed to a!! #and"dates and none of them : as a&t"#u!a&!0 d"sad/antaged\$ "t : as : "th"n the Adm"n"st&at"onDs d"s#&et"on to &e7u"e #and"dates to t0 e.

26. >o : e/e&\$ the A !"#ant : as e/en e@one&ated f&om th"s &e7u"ement\$ s"n#e a!! #and"dates : e&e a!!o : ed to hand : &"te the"& ans : e&s. Cons"de&"ng that\$ he #annot #om !a"n\$ afte& a de a&tu&e f&om the "n"t"a! a &oa#h had 5een a##e ted fo& h"s sa?e and at h"s "ns"sten#e\$ that the Adm"n"st&at"on has a#ted "n an "n#ons"stent manne& and that un"fo&m"t0 of the &o#edu&e : as e&oded. The A !"#ant #annot ha/e "t 5oth : a0s.

2A. The A !"#ant also a/e&s that the anon0m"t0 of the tests : as #om &om"sed 5e#aue he 5e#ame &e#ogn"sa5!e as the one #and"date su5m"tt"ng h"s ans : e&s hand : &"tten. ;n th"s &es e#t\$ the T&"5una! &e#a!!s that a!! #and"dates : e&e offe&ed the same o t"ons\$ and "t : as the A !"#antDs #ho"#e to hand : &"te h"s test. +/en assum"ng that those : ho g&aded the test #ou!d "dent"f0 the A !"#antDs ans : e&s\$ "t "s m"s !a#ed to 5!ame the Adm"n"st&at"on fo& the #onse7uen#e of the A !"#antDs

#ho"#e. ;n an0 #ase\$ the T&"5una! notes that the A !"#ant assed the test and : ent to the ne@t &ound of assessment\$ ".e.\$ the #om eten#0(5ased "nte&/"e : .

26. 2ast!0\$ the T&"5una! #annot ente&ta"n the A !"#antDs #!a"m that he : as su5Be#ted to a##&ued st&ess and an@"et0 and &e/ented f&om ade7uate!0 &e a&"ng fo& the test as he had to : a"t fo& 10 da0s unt"! the Adm"n"st&at"on #ommun"#ated to h"m that he : as a!!o : ed to hand : &"te h"s ans : e&s. ;t shou!d 5e &e#a!!ed that a&t of th"s e&"od e!a sed : h"!e the A !"#ant and the Adm"n"st&at"on e@#hanged on the "ssue. ;t "s on!0 no&ma! that the de#"s"on to de/"ate f&om the moda!"t"es that had 5een esta5!"shed and announ#ed to a!! #and"dates ta?es a #e&ta"n t"me. Add"t"ona!!0\$ the Adm"n"st&at"on g&anted a one(da0 e@tens"on &e#"se!0 to m"t"gate the "n#on/en"en#es de&"/ed f&om the fa#t that the a5o/e(ment"oned #ommun"#at"on : as sent the da0 5efo&e the dead!"ne "n"t"a!!0 set to ta?e the test.

elements of the test and recommended him along with the other
candidates.

2. On appeal of the appeal the Tribunal does not consider established that an
applicant was on the list of the appeal of some of his members
A. The applicant's name is from the list of the appeal.

6. In light of all of the above, the Tribunal is of the view that the Administration has not demonstrated that the Applicant was fully and fairly treated. It considers that the Applicant did not adduce sufficient evidence to demonstrate that his non-selection was due to an sort of discrimination on the basis of his age, sex and to outweigh the presumption of regularity of the contested decision.

A. In view of the foregoing, the Tribunal finds that the Applicant's

The Applicant's selection was not based on his age, sex or other factors.

d 9.774 s21(9.774)-s7.205568