

Judge Jean Courtial, Presiding

Synopsis

1. Ms. Tsoneva is appealing a judgment in which the United Nations Dispute Tribunal rejected her application seeking rescission of the decision of 29 February 2008, by which the High Commissioner for Refugees refused to promote her to the P-4 level during the 2007 promotion session, and to compensate her for the moral and material harm caused by the decision to deny her a promotion. This court finds that the Dispute Tribunal did not err on a question of law in deciding that Ms. Tsoneva — who invoked errors committed by the administration in the review of her professional career in support of her application to have the refusal to promote her rescinded — had to establish that, without these errors, she would have had a real chance of being promoted. It further considers that Ms. Tsoneva has failed to establish that the Dispute Tribunal erred on a question of fact, in deciding that she had failed to establish that the few material errors in her fact-sheet deprived her of the chance to be promoted, and that this error resulted in a manifestly

Submissions**Appellant**

5. Ms. Tsoneva contends that her rights were not respected during the 2007 promotions session and that her application for promotion was not fully and fairly considered. She notes in particular that the administration failed to provide the Appointments, Postings and Promotions Board with a complete fact sheet on her career in a timely manner. She states that miscalculations occurred, that the points system used for evaluations had not been approved by the Joint Advisory Committee, that the system was applied with errors that prevented an objective and impartial evaluation of relevant factors and that there was no procedure for taking into account non-weighted criteria related to efficiency and competence.

6. Basically, Ms. Tsoneva contends that the Appointments, Postings and Promotions Board did not consider all the relevant information, including the fact that she had been holding two posts, one at the P-3 level and one at the P-4 level. She also notes that her candidacy was considered together with those of a group of women candidates who were performing functions at their own P-3 level, in violation of paragraphs 150-152 of the Procedural Guidelines of the Appointments, Postings and Promotions Board. She also calls into question the objectivity and transparency of the promotion system and maintains that it does not meet the requirements of article IV, regulation 4.2, of the Staff Regulations. Ultimately, the appellant contends that the Dispute Tribunal made an error ruling that she had to establish that she would have been promoted if the Appointments, Postings and Promotions Board had been aware of all the facts of her career.

7. Ms. Tsoneva requests a review of the decisions concerning the decision not to promote her, compensation for the harm caused by irregularities in the promotion process, a special post allowance under staff rule 103.11 (b) for the period 1 September 2007 to 1 December 2007, and payment of P-4 level salary and benefits as if she had been promoted, including the corresponding pension increase.

Respondent

8. The respondent notes that Ms. Tsoneva's claim of errors on the part of the Dispute Tribunal is not founded on any of the grounds provided for in article 2, paragraph 1, of the Statute of the United Nations Appeals Tribunal. She does not specify the legal basis for her appeal. She merely repeats the arguments used in her

