



**JUDGE SOPHIA ADINYIRA,**

Facts and Procedure

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which it concluded that the findings of the two panels “did not cont

THE UNITED NATIONS APPEALS TRIBUNAL

**Judgment No. 2012-UNAT-200**



28. The Secretary-General requests that the Appeals Tribunal dismiss Mr. Majbri's appeal in its entirety.

Considerations

29. Mr. Majbri contests the findings of the UNDT that he was afforded full and fair consideration for the position of Chief of ATS and the rejection of his claim that he suffered unfair and discriminatory treatment.

30. All the candidates that appear before an interview panel have the right to full and fair consideration. A candidate challenging the denial of a promotion must prove through a preponderance of the evidence any of these grounds: that the interview and selection procedures were violated; that the members of the panel were biased; that the panel discriminated against an interviewee; that relevant material was ignored or that irrelevant material was considered; and potentially other grounds depending on the facts of each case.

31. Mr. Majbri submits that the Interview Panel failed to take into consideration the investigation and rebuttal reports as well as the discriminatory treatment he was subjected to in ATS.

32. Mr. Majbri questions the decision by the UNDT to limit its analysis to the interview process. He submits that the rebuttal report confirmed a pattern of discriminatory treatment that denied him proper professional development and a proper e-PAS for the period that immediately preceded the selection process, rendering his full and fair consideration for the post of Chief of ATS impossible.

33. The Secretary-General submits that the UNDT did not err in its Judgment as the Special Report issued by the Interview Panel clearly explained that Mr. Majbri, as a rostered candidate, was assumed to fully meet all the requirements for the post and that like all the other candidates he was assessed on his responses and personal qualities.

34. Furthermore, there is evidence that the Interview Panel reviewed both the investigation and the rebuttal reports and found that the issues addressed in those reports did not affect the outcome of the selection process.

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