



Judgment No. 2022-UNAT-1248



Counsel for Appellant: Dorota Banaszewska

Counsel for Secretary-General: Angélique Trouche

JUDGE JOHN RAYMOND MURPHY , PRESIDING .

1. Mr. Vladislav Krioutchko v contested before the U003 Tcd75u1 T -0.001 Tw 106005 0 Td niUB

Administration replied that the time of the assessment was synchronized with other candidates and was not negotiable.

8. On 20 March 2019, the Tribunal (2019/015) found that the Tribunal (2019/015) on 19 February 2019.

15. On 4 May 2021, six days before the UNDT issued its judgment, Mr. Krioutchkov sought leave to file a motion requesting that the UNDT order the production of accurate statistics and information on how many internal candidates based outside of New York had been promoted in the last 10 years from P-3 Russian translator to P-4 Russian translator posts (the motion).

16. On 10 May 2021, the UNDT issued Judgment No. UNDT/2021/052 in which it dismissed the application. The UNDT held that the Administration's reason for not accommodating different schedules was fair and reasonable. The scheduling of the exam at a

03.7 (h)g-3.1 (o)v.8 (ion0.74(ionn 3.7 (e)-a-3.1 (o)3.8

u21.071-1.7<m

requested information, he argues, is relevant and necessary to prove his contention of discrimination; and the failure to have ordered its discovery and production led to a failure to establish the relevant facts, and thus the UNDT erred on a question of fact resulting in a manifestly unreasonable decision.

21. Mr. Krioutchkov contends that the timing of the written test was unreasonably late.

Considerations

28. The point of departure in this appeal is to recognise that the Administration has a broad discretion in staff selection matters. In review of any selection decision the standard of review is one of rationality. The decision must be supported by the information before the decision-maker and the reasons given for it. The question to be asked is whether there is a rational and justifiable connection between the information available to the administrative decision-maker and the conclusion he or she eventually arrived at.

29. The reason Mr. Krioutchkov was not selected for one of the vacant positions was he failed or refused to write the prescribed qualifying test. As a consequence, the Administration gave his application no further consideration.

Judgment

36. The appeal is dismissed, and Judgment No. UNDT/2021 / 052 is upheld.

Original and Authoritative Version: English

Decision dated this 1st day of July