

Introduction

1. The Applicant, a Russian translator in the Economic and Social Commission for Asia and the Pacific (“ESCAP”), contests the decision not to select him for a position of Russian translator in the Division of Conference Management (“DCM”) in the United Nations Office at Geneva (“UNOG”) (“the post”).

Facts and Parties’ submissions

2. The Applicant applied for the post on 17 April 2017 and was invited to sit a written test for which he sat on 26 May 2017. On 18 November 2017, the Applicant was notified of his non-selection for the post.

3. The Applicant claims, in essence, that the Administration committed several errors in the grading of the written tests and that the outcome of the selection process was pre-arranged to exclude all candidates from outside UNOG.

4. The Respondent responds that the Applicant was fully and fairly considered in accordance with ST/AI/2010/3 (Staff selection system).

Consideration

5. The Appeals Tribunal has adopted the principle of regularity by which if the Respondent is able “to even minimally show that [an applicant’s] candidature was given a full and fair consideration, then the presumption of law stands satisfied” where after the applicant “must show through clear and convincing evidence that [s/he] was denied a fair chance of promotion” in order to win the case (2017-UNAT-762, para. 32).

6. The main complaint by the Applicant concerns the assertion that the written test was not administered anonymously as the names of the candidates appeared in numerous places of the test papers. At the Tribunal’s request, the Respondent submitted the written responses of the other candidates. The Applicant claims that these responses were altered because they have a different appearance from the Applicant’s response document. The Respondent states that before submitting the candidates’ responses to the reviewing panel, the Human Resources Management

Service cleared any identifying metadata. The Respondent clarifies that the comparison between the Applicant's original test documents and his own anonymized documents shows that there are no changes in its content, with the exception of the inserted numerical header and the redacted initials from the reviewers' comments bubbles. The differences in format between the Applicant's own response and the other candidates' responses submitted by the Respondent are the result of the scaling required to the copyediting comments alongside the text when the text is printed. The Respondent further clarifies that different candidates used different fonts and sizes because no particular instruction in this respect was given to the candidates. The Applicant responds that the different fonts used by the candidates and the alterations made following the submission of the responses allowed for the identification of the responses. Moreover, he states that one of the reviewers, having revised their translations for many years, is familiar with the translation style of some of the

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assessment

candidates and the obligation for the Administration (set up in some General Assembly resolutions) to reward staff members' excellent performance.

14. The Tribunal finds that these claims are not relevant for the adjudication of the present case, where the Applicant challenges, and is entitled only to challenge, a specific administrative decision (which in the case was lawful) and not a general administrative practice (which is in any case consistent with the principle that the facts recalled by the Applicant do not create any expectancy or entitlement to promotion).

15. In light of the entirety of the evidence and considering the parties' arguments, the Tribunal is satisfied that the Applicant's candidacy was given fair and full consideration. Moreover, the Tribunal does not find that Applicant

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