
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2022/006

Judgment No.: UNDT/2023/086

Date: 14 August 2023

Original: English

Before: Judge Joelle Adda

Registry: New York

Registrar: Isaac Endeley

DOLGOPOLOV

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

Counsel for Applicant:

Self-represented

Anthony K. Wilson (co-counsel)

Counsel for Respondent:

Jenny Kim, AS/ALD/OHR, UN Secretariat

Introduction

1. The Applicant, a staff member with the Department of Operational Support
non-selection for the temporary job
-3 level with the United Nations

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2. The Respondent filed his reply contending that the application is without merit as the selection decision was lawful.

3. For the reasons set out below, the application is rejected.

Background

4. The Applicant serve the4.32 83

process, the head of department/office shall make the selection decision, up to and including the D-

15. Section 4.2 of ST/AI/2020/5 on Temporary special measures for the temporary job opening, due regard shall be given to the need to broaden career development opportunities for women. When there are one or more internal women candidates, the temporary job opening shall be filled by one of those internal candidates, provided that the qualifications and experience of the candidate meet the requirements for the temporary job opening and are substantially equal or

16. It is well established that the Secretary-General has broad discretion in matters of staff selection. When reviewing such decisions, the Tribunal shall (1) whether the Staff Regulations and Rules was followed; and (2) whether the staff member was given fair and adequate (*Abbassi* 2011-UNAT-110). The Appeals Tribunal has further held that the Staff Regulations and Rules have been applied and whether they were applied in a fair, transparent and non-

Kinyanjui 2019-UNAT-932).

17. As the Appeals Tribunal reiterated in *Lemonnier* 2017-UNAT-762, citing *Rolland* 2011-UNAT-

analysis to assess candidates, which included criteria directly related to TJO #161651. The comparative analysis included the required level of education along with the required and preferred work experience. The comparative analysis allocated points as the following: 25 points for the required advanced university degree; 25 points for the required five years of progressively responsible experience in administration, finance, accounting, human resources management or related field; 20 points for the required experience in recruitment and staff selection using integrated information management systems; 15 points for the desirable experience in administration of large-scale staffing table; and 15 points for the desirable experience supporting an organizational-wide change management programme.

23. According to the record, the Applicant scored 89 out of 100 and was ranked number 2 in the comparative analysis. The recommended candidate scored 98 out of 100. On 27 August 2021, the selection memo to the Executive Director of UN-

experience at the required grade. The candidate has substantial experience in HR Management and administration in the international environment. She has a track record in implementing HR Operational roles at the peacekeeping field missions. The selected candidate has the requisite breadth, knowledge, and strategic thinking

academic and professional experience. He also demonstrated solid knowledge of Hu

shortlisted candidates, the record does not indicate that the Applicant was a better candidate than the selected candidate.

32. Having reviewed the evidence, the Tribunal is satisfied that the Administration has shown that the applicable procedure was followed and that the

33. Accordingly, the decision not to select the Applicant for this position was lawful.

Conclusion

34. The application is rejected.

(Signed)

Judge Joelle Adda

Dated this 14th day of August 2023

Entered in the Register on this 14th day of August 2023

(Signed)

Isaac Endeley, Registrar, New York