

Introduction

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5. The Applicant was one of the four internal candidates who applied for the vacant post. After having reviewed the candidates, the Controller and Director, DFAM, considered that none of the internal candidates met the essential academic requirements of holding both an advanced university degree and a professional accounting qualification. The selection process thus continued with only external candidates. One of them was selected for the post.

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- ii. The selection process is flawed because suitable internal candidates like the Applicant were not fully and fairly considered. Her degree is equivalent to a Master's degree (Master of Science in Business Management) and she has a large experience in accounting. She worked in the banking industry for more than 20 years and as Chief, Finance Section, UNHCR, for seven years;
 - iii. The outcome of the selection process may be against the UN policy on achieving gender balance at senior levels;
- b. The case is of particular urgency because the appointment of an external candidate, whose selection is unlawful, may be initiated or is already in progress;

The participation of Career Management Officers in a selection process is not compulsory but remains at the discretion of the Senior Assignment Committee. Furthermore, the Applicant's Career Management Officer is not a technical expert and may have judged other internal applicants to be equally suitable;

b. The Applicant did not meet at least one of the two minimum academic requirements pursuant to the vacancy announcement, namely a professional qualification in accounting (CPA or CA or equivalent);

c. The Applicant's claim that the recruitment was against the UN policy on achieving gender balance is not substantiated. The mere fact that a male candidate was selected does not lead to the conclusion that there was a breach of any of UNHCR policies on achieving gender balance;

d. The recruitment of the selected candidate has been initiated after it was considered that there were no suitable internal candidates;

e. The Applicant would not suffer any irreparable harm which could not be compensated by a monetary award;

f. The Applicant has failed to provide sufficient evidence to conclude that there is prima facie unlawfulness, urgency or irreparable damage.

Considerations

11. The Applicant requests the Tribunal to suspend, during the pendency of the management evaluation, the implementation of the decision not to select her for the post of Deputy Controller, DFAM, at level D-1.

12. At the time the application was filed, the Applicant had not yet requested a management evaluation of the contested decision. However, she subsequently submitted a request for management evaluation to the Deputy High Commissioner. At the date of issuance of this order, the time limit for the Deputy High Commissioner's response to the request for management evaluation was still running and no such response had been given to the Applicant. Thus, the

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Conclusion

20. In view of the foregoing, the application to suspend the implementation of the contested decision during the pendency of the management evaluation is rejected.

(Signed)

Judge Thomas Laker

Dated this 18th day of January 2011

Entered in the Register on this 18th day of January 2011

(Signed)

Víctor Rodríguez, Registrar, UNDT, Geneva