

leave some questions unanswered rather than trying to quickly finalize as many multiple-choice questions as she could have.

d. Finally, it further transpires from the notification sent to the Applicant on 3 December 2018, that in order to assess their eligibility, the candidates were rated not only based on their performance on the test day but also on

their] responses to questions completed outside of the time period in question OHRM took into consideration extraneous and irrelevant factors such as how many times a candidate took a training test.

e. When reviewing these irregularities, the Tribunal must address whether the Applicant had a likelihood of promotion had the Organization adhered to the applicable Rules and Regulations and/or treated all the candidates equally. In the cases of *Vangelova* 2011-UNAT-172 and *Bofill* 2011-UNAT-174, the Appeals Tribunal held that:

rescission of the decision not to promote an appellant when he or she would have had a significant chance for promotion. Thus, where the irregularity has no impact on the status of a staff member, because he or she had no foreseeable chance for promotion, he or she is not entitled to rescission or

f. In this case, the Applicant submits that she would have had a significant chance of being selected for the professional post were it not for the irregularities in the written examination exercise as highlighted above. The Applicant did not take this exercise lightly provided that such an opportunity for General Staff members to access the Professional category comes only once every two or four years. With seventeen years of experience and months of studying for the examination, the Applicant would have been shortlisted for the second phase of the test but for the technical failures in

conducting a fair recruitment process, for which the Administration should take the full responsibility.

Urgency

g. On 3 December 2018, the Applicant received a notification that she had not reached the passing threshold of the first stage of the written assessment. The second stage of the written assessment is to be held on 13 December 2018.

h. On 7 December 2018, the Applicant filed a Management Evaluation Request challenging the stage of the YPP written examination.

i. If the implementation of the examination process is not suspended, the Applicant will stand no chance of being properly considered for the position. This gives rise to urgency and justifies the granting of an order staying the implementation of the administrative decision.

Request for suspension pending proceedings on suspension of action

j. The circumstances of the case are of such urgency that the Applicant respectfully requests an order be made as in *Villamoran* 2011-UNAT- 160. In this case, the Applicant is aware that the next stage of the YPP examination is scheduled for 13 December 2018. If the Administration does not rescind its decision or find an alternative solution to allow the Applicant to compete for a Professional grade by 13 December 2018, the Applicant will suffer the harm described above.

Irreparable damage

k. It is established law that a loss of a career opportunity with the United Nations is considered irreparable harm for the affected individual. It is

submitted that the implementation of the selection decision at this stage would
damage career prospects in a way that could not be

complex issues in the present case, further submissions are required for the fair and expeditious disposal of the application and to do justice to the parties.

9. The Tribunal further considers that, given that the contested administrative decisions are due to be implemented today, it is appropriate, in the special circumstances of the present case, to order

