

Introduction

1. The Applicant, a staff member of the United Nations Security Council Counter Terrorism Committee Executive Directorate, challenges the decision not to select her for a position of Political Affairs Officer at the P-3 level in the Asia and the Pacific Division of the Department of Political and Peacebuilding Affairs and Department of Peace Operations /DPPA-DPO . In response, the Respondent submits that the application is without merit.

2. For the reasons stated below, the Tribunal is satisfied that the Applicant was afforded full and fair consideration and rejects the application.

Facts

3. The post was advertised from 11 February to 28 March 2019 on Inspira (the online jobsite for the United Nations Secretariat). At that time, the Applicant was on temporary assignment as Political Affairs Officer at the P-3 level in the section where the post was advertised.

4. The Applicant applied for the post through Inspira on 14 February 2019.

5. On 25 February 2019, the Director, APD/DPPA-DPO, who was the Hiring Manager, informed the Applicant in person that she had not been selected for the post because she had not applied for the post. After the Applicant stated that she had indeed applied for the position, she met with the Hiring Manager, to express her concerns that she had not been fairly considered for the post.

6. The recruitment process was put on hold following the concerns raised by the job application, along with other and not released, was manually released to the Hiring Manager.

7. The Hiring Manager reviewed the additional applications received from roster candidates, including the Applicant application. By memorandum dated 4 March 2019, the Hiring Manager submitted a comparative analysis of the four most suitable candidates to the Head of Department. The Applicant was among them. On 12 March 2019, the Hiring Manager informed the Applicant in person that she had not been selected for the post.

Consideration

Legal framework

8. The Secretary-General has broad discretion in the selection and appointment of staff (see *Abbassi* 2011-UNAT-110; *Frohler* 2011-UNAT-141; *Charles* 2013-UNAT-286; art. 101.1 of the Charter of the United Nations and staff regulations 1.2(c) and 4.1).

9. In matters of staff selection, it is the role of the Dispute Tribunal to review the challenged selection process to determine whether the applicable regulations and rules have been applied and whether a candidate has received full and fair consideration, discrimination and bias are absent, proper procedures have been followed, and all relevant material has been taken into consideration (see for instance, *Rolland* 2011-UNAT-122; *Aliko* 2015-UNAT-540; *Verma* 2018-UNAT-829; *Kinyanjui* 2019-UNAT- to substitute its decision for that of the Administration.

10. The official acts of the Respondent enjoy a presumption of regularity (*Rolland* 2011-UNAT-122). If the management is able to even minimally show that an fair consideration, then the presumption of law stands satisfied (*Finniss* UNDT/2012/200 (affirmed by 2014-UNAT-397)).

11.

for the job, she should have been selected over the other three shortlisted candidates, who were all male.

16. In his reply, the Respondent explains that after the Administration realized that candidature for the post had erroneously been withheld in Inspira, the recruitment process was put on hold to allow the Hiring Manager to review the job applications from the rostered candidates that had been screened out in error, including application. Having proceeded to the review of these additional applications, on 4 March 2019, the Hiring Manager provided the Head of Department with a comparative analysis of the four most suited roster candidates, including the Applicant.

17.

Case No.:

25. The Applicant has not shown that she was discriminated against or that any other undue motive tainted the selection process.

Conclusion

26. In light of the above, the application is rejected.

(Signed)

Judge Joelle Adda

Dated this 15th day of July 2020

Entered in the Register on this 15th day of July 2020

(Signed)

Nerea Suero Fontecha, Registrar, New York