



Before: Judge Sean Wallace
Registry: Nairobi
Registrar: René M. Vargas M., Officer-in-Charge

ABDELAAL

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Fatuma Mninde-Silungwe, AS/ALD/OHR, UN Secretariat

Introduction

1. The Applicant, an Economic Affairs Officer, at the P-3 level, working with the United Nations Assistance Mission for Iraq (“UNAMI”), filed an application contesting the decision to not select him for the position of Information Analyst, P-4, Office of Political Affairs, with UNAMI.
2. The Respondent filed a reply on 11 May 2023 submitting that the application is not receivable in relation to a claim for special post allowance (“SPA”) and meritless in relation to the non-selection decision.
3. In view of the parties’ submissions, the Tribunal held a case management discussion (“CMD”) on 2 November 2023. The parties agreed that there was no need for an oral hearing. They, therefore, agreed to proceed to file closing submissions.
4. The parties thus filed their closing submissions on 1 December 2023.

Facts and Procedure

5. The Applicant joined UNAMI on 6 April 2014, at the P-3 level, on a fixed-term appointment, serving as an Economic Affairs Officer, in the Office of Political Affairs.
6. On 29 June 2021, he was selected and served as a P-4 information Analyst, Political Affairs, in the Joint Analysis Unit, against Temporary Job Opening No. 155726. While serving in this temporary position, the Applicant was paid SPA.
7. On 19 June 2022, UNAMI advertised the position of P-4 Information Analyst, Political Affairs, through Inspira, with a closing date of 18 July 2022. The Applicant applied for the position on 20 June 2022.
8. The Applicant was shortlisted for the position and was invited for the written assessment. On 18 November 2022, he was informed that he had passed the written assessment and was invited to participate in a competency-based interview (“CBI”) on 23 November 2023.

9. The CBI took place as scheduled on 23 November 2023. The Applicant submits that during the interview, he was interrupted twice by the chair of the interview panel. The Respondent concedes that the Applicant was interrupted, explaining that:

CBI was briefly paused due to an automated notification that appeared on the Panel chairperson's computer screen, alerting him that his laptop would soon restart automatically to complete the installation of a software update. In the Applicant's CBI, the Panel and the Applicant were asked to briefly log off and immediately log back in. The pause occurred after the completion of questioning regarding the Professionalism competency. Overall, the Applicant's CBI was paused for less than three minutes, and the Applicant was not interrupted in the middle of his response to any interview question. The duration of his overall CBI was then extended to compensate for the short break.

10. On 10 December 2022, the Applicant wrote to the Chief Human Resources Officer ("CHRO"), UNAMI, requesting to be given the opportunity to redo the CBI due to the interruption. The Applicant also complained that "another person was present in the room" without him being notified.

11. On 23 December 2022, the CHRO replied to the Applicant stating:

Dear Mr. Abdelaal,

With apologies for the late response to your email, I wish to advise you that I have carefully considered the information you provided in your e-mail below and have not found anything that would warrant repeating the competency-based interviews for the above position. It is also noted that you had the opportunity to voice the points that you are now raising during, or immediately after, the interview. Please be advised that the individual you referred to that was sitting next to the Chairperson was the notetaker, who is normally present during interviews to assist the interview panel with accurately capturing the responses of the interviewed candidates. She was also present throughout the interviews with the other candidates.

12. The Applicant submitted the same request to redo the interview to the Chief of Mission Support ("CMS") in their meeting held on 27 December 2022.

13. Subsequently, on the instructions of the CMS, the CHRO and another Human Resources Officer conducted an internal review of the CBI. They interviewed the three panel members as well as the Human Resources *ex-officio* member who participated in the interview individually. Based on these statements, it was determined that the Applicant was not disadvantaged by the technical interruptions.

14. The payment of SPA to the Applicant for the post of Information Analyst, P-4, was discontinued on 28 December 2022. The Applicant submits that the SPA was discontinued without prior notice from the Administration, which is in violation of sec. 8 of ST/AI/1999/17 (Special post allowance). He further states that the SPA stopped before the date of the final endorsement and before the Head of Mission made the final selection in the post in question, which taints the integrity of the selection process.

15. On 29 December 2022, the Applicant returned to his P-3 Economic Affairs Officer post.

16. On 18 January 2023, the Applicant was informed by the CMS that it was deemed that his candidacy for the post was given full and fair consideration and no grounds were found to warrant a redo of the interview.

17. On 20 January June 2023, the Applicant requested management evaluation of the decision to not allow him to redo the CBI.

18. On 15 February 2023, the Applicant received an automated Inspira notification that his application for the position of P-4, Information Analyst, was not successful.

19. On 27 February 2023, the Management Evaluation Unit (“MEU”) upheld the decision to not grant the Applicant the opportunity to redo CBI.

20. On 2 March 2023, the Applicant requested another management evaluation of the 15 February 2023 decision to not select him for the position of P-4, Information Analyst. On 30 March 2023, the MEU found the Applicant’s request not receivable.

Consideration

Receivability of SPA related claims

21. The Respondent submits that the application contains certain claims regarding the Applicant's SPA. Although the Applicant does not seek any remedies with respect to SPA, the Respondent submits that any claims regarding SPA are outside the scope of this case and not receivable because the Applicant has not identified any administrative decision regarding his SPA. He also argues that neither of the Applicant's two management evaluation requests mentioned SPA or made any claim or request for evaluation of a decision regarding it.

22. Consequentially, any claims regarding SPA were not subject to management evaluation. The SPA allegations made in the Application (for the first time) involve a completely different issue that has nothing to do with the contested decision or the Applicant's non-selection. These SPA-related allegations are, therefore, not properly before the Dispute Tribunal and not receivable *ratione materiae* as a matter of law.

23. By Order No. 80 (NBI/2023), issued on 12 May 2023, the Applicant was directed to specifically address the issue of receivability of SPA claims as argued by the Respondent. On 13 May 2023, the Applicant submitted his response, but without specifically stating whether his claims relating to SPA are receivable or not. He only states:

I want to include the SPA issue in the case as proof and evidence of the irregularities that occurred during the process and prove that the Administration was motivated by bias, prejudice and improper motive, which are directly linked to the selection process.

24. At the CMD held on 2 November 2023, the Applicant indicated that he did not raise the issue of SPA as a separate claim. The parties, therefore, agreed that the issue of receivability of SPA claims is moot.

Motion to strike Applicant's documents filed on 1 December 2023

25. Before addressing the merits of the application, there is a procedural issue to be resolved.

26. By a motion filed on 20 December 2023, the Respondent submits that by Order No. 167 (NBI/2023), the Tribunal ordered the parties to file closing submissions on or before 1 December 2023. The submissions were to be at most 10 pages.

27. On 1 December 2023, the Applicant filed his closing submission, which included 24 annexes (numbered from "3/1" to "3/24"). The Respondent requested the Tribunal to strike the annexes from the Applicant's closing submission because 17 out of the 24 annexes are irrelevant, lacking in probative value or breach confidentiality, and the remaining seven annexes duplicate the materials already on record in the Respondent's reply.

28. The Applicant responded to the motion on 23 December 2023. He requested the Tribunal to dismiss it arguing that under art. 18(1) of the Dispute Tribunal's Rules of Procedure, the Tribunal has broad discretion to determine the admissibility of evidence and the weight to accord the evidence before it. The Applicant maintains that he complied with Order No. 167 (NBI/2023), because it did not forbid presenting new evidence at the closing submissions stage of the proceedings.

29. First, the Tribunal rejects the argument that the Applicant's annexes 3/11 to 3/17 have no probative value because they duplicate several of the Respondent's annexes. A document has probative value if it tends to prove an issue in the litigation. If these documents were probative when the Respondent submitted them, they remain probative when the Applicant also submitted them later.

30. Second, the Tribunal rejects the Respondent's objections to numerous annexes as irrelevant. Although these annexes address issues that were not submitted to management evaluation and/or not filed as separate claims in this litigation, the Applicant says that they show bias, which is an issue in this case.

31. Third, the Tribunal grants the motion to strike annex 3/9, which is a personal yoga blog of one of the recommended candidates. There is no evidence that this blog was considered by the panel nor that it fully reflects that candidate's qualifications for the position at issue.

32. Fourth, annexes 3/10 and 3/18-3/23 are records relating to other recruitment processes in which the Applicant was involved. They are confidential and not relevant to this recruitment process. Thus, they will be stricken.

Merits

33. The Applicant's position is that he was not given full and fair consideration during the selection process. He challenges the contested decision based on two grounds.

34. Firstly, he submits that the Administration invited him to the interview on 18 November 2022, only three working days in advance before the interview, contrary to the provisions of the Instructional Manual for the Hiring Manager on the Staff Selection System, which stipulates in chapter 9.6 that "Applicants convoked for interviews are normally notified at least five working days in advance". The interview was held on 23 November 2022. This irregularity deprived him of certain fundamental rights, which consequently influenced the outcome of the selection process. By depriving him of the right to be informed at least five days in advance, the Administration prevented him from having adequate time to prepare himself for the interview.

35. Further, the Applicant states that he informed the *ex-officio* member that he would be traveling for rest and recuperation ("R&R") on Monday, 21 November 2022 reaching Washington DC on Tuesday, 22 November 2022, early in the morning. The Applicant asked the *ex-officio* member verbally to have the interview on 24 November 2022 so that he can get more rest and relax from the jetlag. However, Human Resources ignored his request. Other candidates residing in the mission area

took the exam on 24 November 2022. The Hiring Manager, who is his R&R approver, and the panel Chairperson were aware of the date of his travel for R&R and the date of his interview.

36. Secondly, the Applicant argues that the panel members evaluated his response to the first competency unfairly and inattentively. He claims that

[t]he panel members failed to record/register his responses to the first competency, “professionalism”. The panel members failed to comply with even the most very basic standards to be expected from such exercise, not identify in its evaluation report the negative indicators that he met or the positive indicators that he missed for the “professionalism” competency which resulted in giving [him] a score of “partially meets the requirements.” The panel members failed to provide records that clearly describe how his answers were assessed in a way that allowed a third party, such as the [Dispute] Tribunal, to review and verify that the entire process was handled in a proper manner.

37. The Applicant further submits that there is a serious issue undermining the substance of the interview assessment report. As an example, in the assessment of professionalism, the factual error of reference to the Sustainable Development Goals as the Secretary General’s Development Goals, which is something that does not exist. This error went unnoticed by the three panel members who signed the interview assessment report. In addition, the panel members failed to record and register his answers to one of the competencies (Professionalism). On the question on how the merger between Joint Analysis Unit with another section was a setback, the interview transcription for the first competency describes in detail, minute by minute, the discussion that occurred during the interview. The evidence proves that he is on top of this subject and he shared a real practical example.

38. In his closing submission, the Applicant raises another issue stating that the job opening process of the post of Information Analyst was unlawful and it was drafted in bad faith with improper motives. He submits that the Head of Mission drafted the job opening for the post in bad faith to recruit/roster certain groups working under his direct

supervision, in contravention of sec. 4.5 of ST/AI/2010/3 and the provisions of the Staff Selection System Manual.

39. Further, the Applicant states that the panel's constitution was unlawful on the following grounds. Its formation violated sec. 1(b) of ST/AI/2010/3, lacking subject matter experts (two-panel members) at the required P-4 level for an information analyst role. There was also an issue of inadequate interview questions. The interview questions diverged from the job's core focus on information analysis, as per the staff selection guidelines, favouring generic queries over role-specific inquiries. This deviation suggests a potential bias in the evaluation process, favouring candidates who do not possess the required experience.

40. The Applicant also contends that he was not selected for the position due to the bias by the hiring manager, Mr. Al Najjar. He states that in April and May 2022, the Applicant was the hiring manager for the position of Economic Affairs Officer ("EAO"), Job Opening No. 190032. During the process to fill this position, Mr. Al Najjar requested the Applicant to conduct an informal interview with Ms. Linda Kassem, an applicant for the EAO position. Following the informal interview, the Applicant concluded that Ms. Kassem was unsuitable for the role, primarily due to her insufficient educational background and lack of essential skills. The Applicant communicated these reservations to Mr. Al-Najjar. Post this incident, the professional conduct of Mr. Al-Najjar towards the Applicant noticeably changed, presumably due to the Applicant's refusal to comply with his preferences.

41. As remedies, the Applicant requests the Tribunal to order:

- a. Rescission of the non-selection decision;
- b. Compensation for the material damage resulting from the decision not to recommend him for selection;

- c. Award of moral damages resulting from the distress he suffered due to the irregularities committed;
- d. Compensation for loss of opportunity and damage to his career; and
- e. Referral of the entire matter to the Secretary-General for the consideration of possible actions to enforce accountability.

42. The Respondent's case is that the contested decision was made in compliance with the legal and regulatory framework and the Applicant received full and fair consideration for the position.

43. He submits that the Organization fully complied with ST/AI/2010/3 and that the Panel was properly constituted in line with sec. 1(c) of ST/AI/2010/3, which defines an assessment panel as

normally comprised of at least three members, with two being subject matter experts at the same or higher level of the job opening, at least one being a woman and one being from outside the work unit where the job opening is located, who will undertake the assessment of applicants for a job opening.

44. In the Applicant's case, the panel consisted of three staff members: two subject-matter experts at the P-4 level and one at the P-5 level, all of which are "at the same or higher level of the job opening". The P-5 panel member, Ms. Idah Agba, is female and from outside the work unit where the position is located. All members of the panel successfully completed the competency-based interview training before the interviews for the position took place. The panel was supported during the CBIs by Mr. Bassam Salem in a Human Resources *ex-officio* capacity and Ms. Nada Hajjar as notetaker. The Administration, therefore, fully complied with sec. 1(c) of ST/AI/2010/3 in the composition of the panel.

45. Regarding the Applicant's complaint of being interrupted during the interview, the Respondent elaborates that the first purported "interruption" occurred during the introductory part of the interview, before the panel posed the first question to the Applicant. That purported "interruption" was merely comprised of a brief exchange between the panel chairperson and the Human Resources *ex-officio* person about the automated notification the chairperson received advising him that his computer will restart shortly.

46. The first competency-related question, on professionalism, was posed after that. The interview record reveals that the Applicant was asked three sub-questions related to professionalism and was given sufficient time to complete his responses. The Applicant was not interrupted during his answers and was given an opportunity to fully respond to the panel's request for additional examples and to its follow up probing question. The panel and the Applicant were only asked to briefly log off and log back in after the Applicant completed his answers under the professionalism competency. The evidence shows that the brief log-off occurred at 15 minutes 51 seconds when both the panel and the Applicant were asked to disconnect and were invited back by the Human Resources *ex-officio* member to continue the interview. Subsequently, after the panel and the Applicant logged back after less than three minutes, the interview continued, and the Applicant was deemed to have fully met the remaining competencies.

47. The Respondent seeks to rely on *Aktash* UNDT/NBI/2020/049 (para. 27) and emphasizes that the Applicant has failed to demonstrate that these purported "interruptions", which are routine technical issues in any work environment, impaired his right to be fully and fairly considered for the position. The fact that his CBI was briefly paused for less than three minutes to deal with a routine technical issue does not mean that his right to full and fair consideration was violated, or that he is entitled to repeat the CBI.

48. On the Applicant's claims against the substance of the panel's assessment, the Respondent states that panel concluded that the Applicant successfully met three out of the four competencies required for the position. With respect to professionalism, however, the panel found that the Applicant only partially met the criteria. The panel's decision is supported by a carefully recorded record. For example, the evidence shows that "[d]espite probing from the panel members of the example he provided, the candidate failed to elaborate on how the merger was a setback and how he responded to it other than motivating his team". Further, "[w]hen asked about any resolution related to women peace and security, the candidate was not familiar with the 1325 Security Council resolution and limited his knowledge of the 50/50 gender balance". Relying on *Lex* UNDT/NY/2013/056 (paras. 41-42), the Respondent maintains that the Applicant's disagreement with the panel's assessment does not render the contested decision unlawful or erroneous.

49. Regarding the Applicant's claim that his rights were violated because he was invited to the CBI three days in advance, the Respondent contends that this claim lacks merit. The Applicant relies on a non-valid Manual for the Hiring Manager on the Staff Selection System (Inspira) (the "Invalid Manual"), which provides in sec. 9.6 that "Applicants convoked for interviews are normally notified at least five working days in advance". The Invalid Manual was replaced by the Staff selection system manual issued on 4 August 2022 (see annex 5, Respondent's reply). As is relevant here, sec. 9.2.1 of the current manual states that Applicants should be invited for a CBI "with a minimum of five days' notice" not "five working days" as stated in the Invalid Manual.

50. Accordingly, since the Applicant was invited for a CBI on 18 November 2022 and that the CBI was held five days later, on 23 November 2022, the Applicant was notified five days in advance as per sec. 9.2.1 of the current manual. The Applicant's reliance on the Invalid Manual is erroneous. Citing relevant jurisprudence (*Asariotis* 2015-UNAT-496, paras. 21-22; *Krioutchkov* UNDT/GVA/2016/041, paras. 44-45),

the Respondent emphasizes that besides the Applicant's reliance on an invalid manual, the Tribunals have consistently rejected arguments based on the manuals.

51. The Respondent further argues that, in any event, beyond merely stating that he was notified three instead of five working days in advance, the Applicant has not established any harm to the consideration of his candidacy. Instead, the Applicant focused on his alleged request to postpone the CBI due to his travel plans. The Administration was under no obligation to provide the Applicant with special treatment in the form of rescheduling his CBI. The Administration was within its rights in deciding to treat all candidates equally and interview them at the times originally allotted. Finally, the Respondent submits that the Applicant is not entitled to any relief sought. There is no basis for rescinding the contested decision. The Applicant has not proved liability or that he had a significant chance of selection.

Was the Applicant given full and fair consideration?

52. Article 101 of the United Nations Charter states that the paramount consideration in the employment of staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity.

53. The Respondent would have acted regularly if in his decision-making he was guided by these principles and the relevant procedures.

54. The Tribunal bears in mind that the starting point when considering administrative decisions is the presumption that official functions have been regularly performed. This presumption is satisfied where management minimally shows that the staff member's candidature was given fair and adequate consideration. Once management satisfies this initial requirement, the burden shifts to the Applicant to show through clear and convincing evidence that he was not given fair and adequate consideration (*Mohamed* 2020-UNAT-985, para. 38 citing *Lemonnier* 2017-UNAT-762, paras. 31 and 32).

55. The Tribunal’s role in reviewing a staff selection decision, is well settled by UNAT jurisprudence in *Mohamed* as follows:

Judicial review of a staff selection decision is not for the purpose of substituting the Dispute Tribunal’s selection decision for that of the Administration. Rather, the Dispute Tribunal’s role in reviewing an administrative decision regarding an appointment is to examine: “(1) whether the procedure laid down in the Staff regulations and Rules was followed; and (2) whether the staff member was given fair and adequate consideration”. The role of the UNDT is to “assess whether the applicable regulations and rules have been applied and whether they were applied in a fair, transparent and non-discriminatory manner”.

56. Initially, the Applicant raised three issues in challenging his non-selection. In his closing submission, he raised a number of additional issues in seeking to reverse the contested decision, but instead of hard evidence he often just raised questions: “It is perplexing ...”; “This situation raises the questions ...”; “a questions has arisen ...”; “I wonder...”; and “I can provide evidence ... if needed”.

57. However, it is important to remember that the Applicant bears the burden of proving that he was denied a fair chance of selection. *Lemonnier* at para. 32 and *Rolland* 2011-UNAT-122, para. 5. Merely raising questions, expressing wonder, or promising evidence is not meeting the burden of proof.

58. The Applicant claims that his “interview was disrupted by technical issues, possibly due to the chairperson’s unpreparedness, suggesting intentional irregularities”. To be sure, the record shows that there was a brief pause in the interview resulting from the panel chair’s computer performing an automated restart process. As a result of this, the panel members and the Applicant were requested to log off and log back in to the interview. This occurred after the Applicant had completed his answers to the Professionalism competency and before the interview moved on to the next topic.

59. The Applicant failed to demonstrate how this interruption affected the interview at all, beyond mere a conclusory statement that “[o]bviously, if the phone interview disconnection occurs, that adds more stress to the interview”. As this Tribunal has previously observed, “[t]he Applicant’s principal contention is that the disruptions caused him to be stressed and distracted ... The interview, however, cannot be repeated in case of any interference that causes a candidate discomfort. *Aktash*, UNDT/2020/049, para. 27.

60. As to the substance of his interview evaluation, the panel determined that the Applicant met three of the four required competencies but only partially met the criteria in the Professionalism competency. It is this aspect that he challenges.

61. The Professionalism competency included a “[s]trong ability to analyse complex political, military, paramilitary, terrorist activities, or activities of related groups, in relation to war crimes, crimes against humanity, and genocide, *including sexual and gender-based violence crimes*” (emphasis added). This is where the panel felt that the Applicant fell short, and the Applicant argues that he did not.

62. Here again, it is important to note that it is “the purview of the panel to determine and depend greatly on ... its interview and its capacity to make a fair assessment of the candidate without further enquiry”. *Abbassi* UNDT/2010/086, para. 22 (affirmed in *Abbassi* 2011-UNAT-110). Additionally, “[a]lthough the Applicant disagrees with the assessment made during the interview as to whether she satisfied particular competency requirements and regarding her overall suitability for the post, the interview panel was entitled to come to its own conclusions regarding the Applicant’s suitability”. *Lex* UNDT/2013/056, para. 41.

63. A review of the evidence in this case leads the Tribunal to conclude that the panel’s assessment of the Applicant’s interview was proper and provided him full and fair consideration. The assessment included a lengthy analysis of his responses to the Professionalism questions and noted that “when asked about any resolution related to women peace and security, the candidate was not familiar with the 1325 Security

Council resolution”. The Applicant does not dispute this and admits that he “lost the train of [his] thoughts during that time”.

64. The interview assessment describes that, when asked if he had ever experienced a setback, the Applicant first asked the panel to define “setback”. When a definition was given, the Applicant described a merger of units in which he was involved. When the panel asked him to explain how the merger was a setback, he failed to do so. The Applicant now says that “there was no logical reason for [him] not to elaborate more”, but clearly the panel felt that he did not elaborate sufficiently. The adequacy of the Applicant’s interview answers “is a matter upon which reasonable minds could reasonably differ and such difference does not lead to the conclusion that one or the other was in error”. *Lex*, para. 42. It is not the role of the Tribunal to substitute its own views on this matter for those of the panel.

65. With respect to the notice of his interview, the Applicant relies on a manual that provides that “Applicants convoked for interviews are normally notified at least five working days in advance”. However, this reliance is unavailing. The manual is outdated and the replacement manual changed “five working days “to “five days”. The Applicant concedes that he was given five days’ notice, which he argues was only three working days.

66. More fundamentally, the Appeals Tribunal has instructed that manuals do not have legal force and “at most”, provide guidance. They do not vest a staff member with an entitlement. *Asariotis*, 2015-UNAT-496, paras. 21-22. See, also *Farrimond*, Order No. 113 (GVA/2016), para. 28; *Krioutchkov* UNDT/GVA/2016/041, paras. 44-45.

67. In his final submission, the Applicant also claims that the interview panel was unlawful because it lacked two subject matter experts “at the required P-4 level for an information analyst role”. However, the recruitment at stake was for an information analyst in Political Affairs, and the record shows that two of the panel members were P-4 Political Affairs Officers.

68. Although the Applicant does not make his argument clear, he seems to be claiming that the applicable subject matter is “information analysis”. This is mistaken. The subject matter is political affairs; information analysis is a particular skill set within that subject matter. Thus, the panel was properly constituted.

69. The Applicant next complains that the interview questions were generic in violation of staff selection guidelines, which “suggests a potential bias in the evaluation process”. Here again, it is important to note that manuals and guidelines do not have legal force. *Asariotis, supra*. Additionally, there is no evidence in the record that proves any bias in the selection of interview questions.

70. Indeed, the Applicant’s broad allegations of bias by the hiring manager and others throughout the evaluation process are not supported by persuasive evidence. Even if believed, which it is not, the Applicant’s evidence amounts to nothing more than a few petty disagreements between him and other colleagues.

71. The same is true with respect to the Applicant’s claim that “[t]here is a serious issue undermining the substance of the Interview Assessment Report”. This “serious issue” amounts to a mere misnomer of the “SDG” acronym as meaning “the Secretary-General’s Development Goals” rather than Sustainable Development Goals. This error is not a serious one and certainly does not undermine the substance of the Interview Assessment Report.

72. Similarly, the Applicant alleges “critical misrepresentations” and perceived contradictions regarding submissions by the Respondent. The Tribunal does not find any substantial merit to these allegations.

73. The Applicant also complains about the lack of a signed copy of the interview panel's evaluation report. The Respondent explains that updates to the Inspira system since 2020 have eliminated the need for a manually signed report. The Tribunal finds this explanation to be both reasonable and persuasive. The fact that a signed report was created in 2022 during a different recruitment does not negate the Respondent's explanation.

74. The Applicant further claims that the published Temporary Job Opening ("TJO") violated ST/AI/2010/3 para. 4.5 and the Staff Selection System Manual. To support this claim, he compares the TJO in this case with two job openings from 2015 and 2017 for information analyst positions. To be clear, the three job openings' requirements are somewhat different. Some sentences were transposed, and the emphasis on some requirements changed. This is not surprising given the passage of several years. More importantly for this case, any difference in the working experience requirements is irrelevant since the Applicant met those requirements and thus was invited to the interview. He points out that six of the nine recommended candidates were from UNAMI/OPAA, which is exactly where he was from. While candidates from outside UNAMI/OPAA might have a right to complain that the TJO was tailored to favour this group, he cannot complain because he benefited if there was such tailoring. In sum, this claim is not persuasive.

75. In light of the above, the Tribunal finds that the Applicant received full and fair consideration and that the Administration followed all applicable procedures.

Conclusion

76. In view of the foregoing, the Tribunal DECIDES:

- a. To deny the objection to receivability as it is moot;
- b. To deny in part and grant in part the motion to strike the Applicant's documents as set forth in detail in paras. 25 to 32 above; and

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- c. To deny the application in its entirety.

(Signed)

Judge Sean Wallace

Dated this 9th day of May 2024

Entered in the Register on this 9th day of May 2024

(Signed)

René M. Vargas M., Officer-in-Charge, Nairobi