





5. At the time of the request, the respondent had not produced ex parte the report of

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21. During the assessment of the Applicant and the other respondents, the Commission noted that the Applicant was promoted to a Senior Consultant position in January 2013. The Applicant's promotion to Senior Consultant was based on the fact that he had worked for UN13C4P staff members. Ms. Haddou was also a member of the staff of the Commission. The Applicant's promotion to Senior Consultant was based on the fact that he had worked for UN13C4P staff members. The Applicant's promotion to Senior Consultant was based on the fact that he had worked for UN13C4P staff members. The Applicant's promotion to Senior Consultant was based on the fact that he had worked for UN13C4P staff members.

22. In the course of the investigation, Ms. Haddou advised that at some point in time she did not agree to accept the proposed salary increase for the position of Senior Consultant. She stated that she was not in a position to accept the proposed salary increase for the position of Senior Consultant.

23. The Applicant's promotion to Senior Consultant was based on the fact that he had worked for UN13C4P staff members. The Applicant's promotion to Senior Consultant was based on the fact that he had worked for UN13C4P staff members. The Applicant's promotion to Senior Consultant was based on the fact that he had worked for UN13C4P staff members.

24. In the course of the investigation, Ms. Haddou advised that she had worked for UN13C4P staff members. She stated that she was not in a position to accept the proposed salary increase for the position of Senior Consultant. She stated that she was not in a position to accept the proposed salary increase for the position of Senior Consultant. She stated that she was not in a position to accept the proposed salary increase for the position of Senior Consultant.

25. It is also a well-known fact that Ms. Haddou advised that at the time of the investigation, she was not in a position to accept the proposed salary increase for the position of Senior Consultant. The Guidelines for Determination of Level and Step on Recruitment to the Professional Category and Above issued by the Commission in 2011 provide that the Commission should take into account the Applicant's qualifications and experience when determining the appropriate level and step for recruitment to the Professional Category and Above.

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31. In an event the Applicant did not provide evidence of his suitability at the time and Dr. Haddouga based on the information the Applicant submitted in his affidavit at the Applicant's hearing as a consultant was not in an effort to evaluate the Applicant's Affidavit. Dr. Haddouga told the Tribunal that the Applicant's 80% as well as the PEP as a Director; evaluations consultant and the Applicant's interview/Transcript is not on the face of the Applicant to the requirements of the J's 8 \$ s!e#f#ed e7!e#en\$e #n !u&"\$ adm#n#st#at#on# go.#e#n#e#e# #e#e#&#u#d#ng# and \$ommun#t#e#at#ons. / e fut e% stated t at t e A!!"#Sant=s e7!e#en\$e \$ou'd not &e \$ons#de#ed as )e7\$e!t#ona"\* !%ofess#ona" e7!e#en\$e to &e a\$e#ted #n "#eu of an ad.#an\$ed un#.e#s#t#2 deg#ee.

32. Dr. Haddouga said that some two days later the Applicant informed and asked for the "evaluation of an NP" position at the "e.e" to a.e four %at e% t an t %ee 2ea#s= m#n#mum e7!e#en\$e. / e ema#ed #m t e ' ; ED Guidelines for the Determination of Level and Step on Recruitment to the Professional Category and Above.

33. At the end of 2013 the Applicant's dates were set for the Position.

34. In 13 December 2013 the Applicant requested management evaluation of the "m!ugned de\$#s#on# 8 # \$ 8as u! e'd #n t e management e.a"uat#on %e!"2# dated 2A 1e&%ua%2 2014.

35. In December 2014 a fast, finding "lane" was set up to investigate a "ileged



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Judgment No. UNDT/2015/043

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46. The Tribunal has set aside the decision of the Administration as a defective decision in substance on the merits. It is not for the Tribunal to conduct an assessment of the dates submitted in support of the claim (e.g.





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A6. The Tribunal's decision is manifestly and unambiguously wrong and should be set aside. The Tribunal's decision is manifestly and unambiguously wrong and should be set aside. The Tribunal's decision is manifestly and unambiguously wrong and should be set aside.

AC. The Tribunal's decision is manifestly and unambiguously wrong and should be set aside. The Tribunal's decision is manifestly and unambiguously wrong and should be set aside. The Tribunal's decision is manifestly and unambiguously wrong and should be set aside.

60. The Tribunal's decision is manifestly and unambiguously wrong and should be set aside. The Tribunal's decision is manifestly and unambiguously wrong and should be set aside. The Tribunal's decision is manifestly and unambiguously wrong and should be set aside.

61. The Tribunal's decision is manifestly and unambiguously wrong and should be set aside. The Tribunal's decision is manifestly and unambiguously wrong and should be set aside. The Tribunal's decision is manifestly and unambiguously wrong and should be set aside.

62. The Tribunal's decision is manifestly and unambiguously wrong and should be set aside. The Tribunal's decision is manifestly and unambiguously wrong and should be set aside. The Tribunal's decision is manifestly and unambiguously wrong and should be set aside.

Issue 3# Did the Applicant have a legitimate expectation to be found eligible to participate in the competitive selection exercise(

63. 3n





Conclusion

C3. In the event of the foregoing, the Tribunal shall:

The arbitrator shall be deemed to have accepted the award.

(Signed)

Judge Colonna / a8

Dated this 21<sup>st</sup> day of December 2015

Arbitrator's name; arbitrator's name this 21<sup>st</sup> day of December 2015

(Signed)

; enP D. Vargas D.5; arbitrator's name; enP D. Vargas D.5; arbitrator's name