



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2009/079/
JAB/2009/041
Judgment No.: UNDT/2010/065
Date: 15 April 2010
Original: English

Before: Judge Adams
Registry: New York
Registrar: Hafida Lahiouel

KRIOUTCHKOV

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

Counsel for applicant:

Nicholas Christonikos

Counsel for respondent:

Josianne Muc, ALS/OHRM, UN Secretariat

Introduction

1. The applicant, a permanent staff member who has served as a Russian translator at the P-3 level for 18 years, applied for another Russian translator post at the P-3 level with the United Nations Office in Vienna (UNOV) as a 15-day internal candidate. He was not selected for interview at the outset but, after other non-15-day candidates were tested and interviewed, it was decided to test and interview him. The panel considered that he did not satisfy the job requirements, including one concerning self-revision of translations. Instead, an external 60-days' candidate was appointed.

Facts

2. The applicant entered into service with the UN on 3 February 1990 as a P-2 level Associate Russian Translator in the Editorial and Translation Section at the United Nations Centre for Human Settlements in Nairobi, Kenya. In May 1992 he transferred to the Russian Translation Services for the Office of Conference Services at the UN Headquarters, New York. In February 1993 he was promoted to a Russian translator post at the P-3 level in the same division, and on 9 July 1998, he received a permanent contract. On 26 April 2008 he was placed on a one-year assignment to the Russian Translation Unit for the Conference Services Section at the UN Economic and Social Commission for Asia and the Pacific (ESCAP) in Bangkok, and after one year he elected to be transferred to ESCAP where he still serves.

3. On 19 October 2007 the applicant's first and second reporting officers signed the applicant's electronic performance appraisal system (e-PAS) record for 2006-2007. In the following quotation, the subsequent 2007-2008 changes to the e-PAS appraisal are noted in square brackets. In this record it was noted under "Goals/Performance Expectations" that the applicant should, *inter alia* –

1. Provide in a timely manner translations, subject to revision, from English, Spanish and French to Russian, of documents covering the full range of subjects dealt with by the UN.

RELATED ACTIONS: The activities are of a continuing nature and based on the job description.

SUCCESS CRITERIA: Translations of the above-mentioned documents, requiring light to moderate revision, are submitted within the time limits set by the Programming Officer, output maintained at, or above, the established productivity standard.

2. When assigned, provide in a timely manner quality translations of the above-mentioned documents *on the basis of self-revision*.

RELATED ACTIONS ...

SUCCESS CRITERIA: Accurate and timely *self-revised translations* are provided.

His first reporting officer had the following comments on the “Work Plan Accomplishments – Goals/Performance Expectation” –

Goal 1: The staff member provided translations from English into Russian of documents on a broad variety of subjects, with quality requiring as a rule, medium to light revision, and output generally meeting productivity standard [with output generally somewhat above the productivity]. Deadlines set by the Programming officer were met. Goal 2: Generally, the staff member was *not assigned self-revision jobs* in the reporting period.

In the “Overall Comments”, the first reporting officer noted that –

During then period, the staff member’s performance fully met the requirements of the post [though some translation quality upgrading would be in order] ...

(Italics added.)

4. On 19 May 2008 an internal vacancy announcement was issued for the post at UNOV. The relevant parts of the vacancy announcement read as follows –

Responsibilities: Within the delegated authority, the incumbent will be responsible for the following duties: translate, subject to revision, texts submitted mainly by UNODC [United Nations Office on Drugs and Crime], UNOV, CTBT [Comprehensive Test Ban Treaty], and UNIDO [United Nations Industrial Development Organization]; *self-revise texts* covering subjects dealt with by the recognized proficiency

in economics and legal matters. While translating and *self-revising*, the reviser will have to meet the established workload and quality standards; develop new terminology for use where none exists in the target language, carry out linguistic research and participate on the preparation of terminological bulletins and glossaries, technical vocabularies and related reference tools; coach and assist temporary and junior translators and brief them on the procedures and practices of the Section, terminology and a number of subjects, as required; participate in drafting or consistency groups; perform other related duties as required.

...

Qualifications:

...

Work experience: At least five years of translation experience, of which three should have been within the United Nations, with *experience in self-revision*. Knowledge of a broad range of subjects dealt with by the United Nations, with recognized specialization in criminal and /or trade law.

...

Other skills: Knowledge of CAT tools. Some degree of specialization in subjects dealt with by the United Nations, especially in economics and legal matters.

(Italics added.)

5. The respondent conceded that the vacancy announcement was not sent to the applicant's office by mistake, and that he did not know of it at the time.

6. UNOV did not receive any applications in response to the internal vacancy announcement and the post was accordingly advertised on Galaxy (the online UN job site) on 3 July 2008. The Galaxy announcement was almost identical to the internal vacancy announcement. The only relevant differences were first, that the second sentence under "Responsibilities" referred to "translator" and not "reviser", which therefore instead read: "While translating and self-revising, the *translator* will have to meet ...", and secondly that under Qualifications, "Other Skills", (under which knowledge of CAT tools were mentioned) were described as "Other *Desirable Skills*" (italics added). The evaluation criteria, which had been pre-approved by the Central Review Committee (CRC), closely reflected the description of the responsibilities for

the position from the vacancy announcements and literally repeated the qualification section from the Galaxy advertisement. The Officer-in-Charge, Conditions of Service Selections (OIC/CSS), Office of Human Resource Management (OHRM) stated that the post in question is “representative of a P-3 level classifiable position” and did not violate the discretion to vary to some degree the specialised requirements of the post.

7. On 8 July 2008 the applicant applied for the vacancy as the only candidate to do so within the 15-day mark. The applicant claimed that he forwarded his last two e-PAS records by facsimile on 8 July 2008 to UNOV but there is no record of its receipt. The Programme Case Officer (PCO) thus considered only the applicant’s Personal History Profile (PHP) for the purpose of identifying candidates who satisfied the necessary prerequisites and should be placed on the short-list for interview. The relevant evaluation criteria had been approved in the usual way by the Central Review Committee (CRC) prior to the advertisement of the position on Galaxy.

8. In September 2008 applications from three external candidates were released at the 60-day mark and evaluated against the evaluation criteria. One of these candidates was tested and interviewed on 10 and 15 September 2008, and this candidate was subsequently recommended for the post to the CRC on 15 October 2008. However, the CRC returned this recommendation to the PCO as it was not clear how the weaknesses expressed by the PCO regarding the applicant’s candidacy had been established based on his PHP and, implicitly, that the e-PAS records should also have been examined. The PCO therefore decided to restart the evaluation process. Following a request for his last two e-PAS records, the applicant supplied them on 17 November 2008. Based on these and the applicant’s PHP, the applicant received the following overall evaluation (which, it seems, was prepared by the PCO) in the Galaxy evaluation compendium (only parts relevant to this case are included) –

Competencies

...PHP cover note contains the text from the description of responsibilities and competencies in the VA [vacancy announcement] with minor changes and without specific examples. Description of duties is limited entirely to relevant standard/generic job profiles. Achievements for the last 18 years are moderate: 'timely and accurate documents translation/revision'. The candidate does not meet the major criteria (self-revision/revision and translation of texts on criminal and/or trade law) and meets only some of the work experience (at least five years of translation experience) and education/languages formal criteria: - as stated on his last two e-PAS reports 'the staff member provided translation ... with quality requiring medium to light revision', and 'generally, the staff member was not assigned self-revision jobs'; - no terminological and reference research specified; - did not demonstrate his ability to produce his output on screen and, as stated in his last two e-PAS reports, 'his ability to produce his output on screen remains to be proved'; - did not demonstrate any knowledge of CAT tools; - has limited potential, if any, to coach and assist temporary and junior translators (require revision himself); - did not demonstrate a recognized specialization in economics and legal matters: no experience with UNCITRAL [United Nations Commission on International Trade Law] (until recently one half of the in-session documents was translated in UNHQ) documentation (of special practical significance, as the ongoing everyday work-pressure requires full operational sustainability of anyone entrusted with self-revising functions under this post). The candidate definitely does not meet the requirements of the post as he is not able to self-revise texts requiring experience and recognized proficiency in economics and legal matters, can not be allowed to participate in drafting or consistency groups or to coach and assist temporary and junior translators. In the overall comments on his last e-PAS report (2007-2008) the FRO [the first reporting officer] states that 'some translation quality upgrading would be in order'

...

Experience

The candidate meets only some of the criteria, but does not meet the major criteria (self-revision/revision and translation of texts on criminal and/or trade law): - 18 years experience in translation of UN documents; - requires medium to light revision, not assigned self-revision jobs (e-pas); no terminological and reference research specified; - did not demonstrate his ability to produce his output on

screen; - did not demonstrate a recognized specialization in criminal and/or trade law: no experience with UNCITRAL (until recently one half of on-session documents was translated in UNHQ) or UNODC, neither with UNIDO and OOSA [United Nations Office for Outer Space Affairs] (until 1994 all documents were translated in UNHQ) documentation (of special practical significance as the ongoing everyday work-pressure requires full operational sustainability of anyone entrusted with self-revising functions under this post).

...

Other skills

The candidate does not meet the criteria: - did not demonstrate any knowledge of CAT tools; - no previous experience of self-revision/revision and translation of texts on criminal and/or trade law; - did not demonstrate a recognized specialization in economics and legal matters: no experience with UNCITRAL (until recently one half of in-session documents was translated in UNHQ) or UNODC, neither with UNIDO and OOSA (until 1994 all documents were translated in UNHQ) documentation (of special practical significance, as the ongoing everyday work-pressure requires full operation sustainability of anyone entrusted with self-revising function under this post).

9. Despite the negative overall evaluation, the PCO, in consultation with the Human Resources Management Services (HRMS), decided to shortlist the applicant who then undertook a written test on 19 November and a competency-based interview on 25 November 2008.

10. The interview panel concluded that the applicant was “found to have very few of the technical and functional skills to perform the job and the required core competencies as stipulated in the vacancy announcement” and both his written test and his interview were deemed “less than satisfactory”. Accordingly, he was not recommended. Instead, the successful 60-day external candidate was “strongly recommended” for the position based on the earlier assessment. On 26 November 2008 the PCO transmitted this recommendation to the CRC for its review, which then endorsed it.

11. On 2 December 2008 the Director-General of UNOV decided to accept the recommendation and the external candidate was chosen for the position. The applicant said that he was not informed of the outcome of his application. On 25 December 2008 he discovered that he was unsuccessful when he saw that the post had been filled on the UN website on 25 December 2008. On 5 February 2009 OHRM approved the selection. On 25 February 2009 the applicant submitted his request for administrative review. On 26 February he discovered that there had been an internal vacancy announcement. Also on this day, the PCO informed him that he had not been selected for the post.

Applicant's submissions

12. The applicant did not received the internal vacancy announcement, which was a breach of his entitlements.

13. The applicant was not fully and fairly considered for the post, since he was appraised against standards normally reserved for P-4 level revisers, whilst the position was P-3 level, a violation of sec 4.3 of ST/AI/2006/3. Under the "GJP [ie, generic job profile] Guidelines" any significant departure must be justified, but the respondent did not do so. In particular, self-revision is not a job responsibility of, nor is it a required qualification for, translators below the P-4 level. According to the generic job profile, while P-4 translators provide translations "mostly without revision" and self-revision is listed as an "expected result", the work of P-3 translators is "subject to revision" and neither self-revision nor experience in self-revision is listed as a responsibility. This suggests that the generic job profile for P-4 level revisers was used to create the vacancy announcement, to which the different uses of the term "reviser" or "translator" in the vacancy announcements also point. It can be deduced from the applicant's e-PAS report from 2007-2008 that the applicant had some experience in self-revising.

14. By substituting the requirements for P-4 level reviser for the requirements for P-3 level translator, the respondent violated the applicant's legitimate expectation as a P-3 translator with 18 years of experience that his application would be treated as an application for a lateral transfer. It is a "universal obligation of both employee and employer to act in good faith towards each other": *James* UNDT/2009/025. The applicant was treated as if he had applied for a promotion when he was in fact seeking a lateral transfer.

15. The respondent improperly appraised the applicant against a 60-day external candidate in violation of sec 7.1 of ST/AI/2006/3.

16. The applicant was not informed that he was not selected or placed on the roster, which breaches the applicant's rights under sec 9.5 of ST/AI/2006/3.

Respondent's submissions

17. The issue of the applicant not receiving the internal vacancy announcement is not receivable since it was not the subject of his request for administrative review (under former staff rule 111.2). In any event, there is no obligation to advertise internally rather than on Galaxy.

18. The applicant was not evaluated against the requirements of a P-4 level reviser position. The requirements for the different posts may vary within the same grade level and managers are provided with wide discretion in building the vacancy announcements. The vacancy announcement for the contested post required experience in self-revision, but this did not alter the classification level of the post.

19. The selection process was not flawed. The applicant did not meet the requirements for the post since he was not a "suitable candidate" under sec 7.1 of ST/AI/2006/3. He did not have the required experience "in self-revision", a "recognized specialization in criminal and/or trade law" or "knowledge of CAT tools" as specified in the vacancy announcement and the evaluation criteria.

20. The respondent is not required to notify the applicant of the appointment of another candidate under ST/AI/2002/4. Since the applicant saw a notice on Galaxy on 25 December 2008 that the selection process had been completed, he must have known that the selection decision had been made and he was unsuccessful.

Circulation of the internal vacancy announcement

21. Even though the matter of the distribution of the internal vacancy announcement was not explicitly raised in the applicant's request for administrative review, the issue of propriety of the process was raised and this is sufficient. A staff member is not to be assumed to know everything about the process that led to the administrative decision about which he complains. Indeed, it is not strictly necessary that the precise reason for the alleged incorrectness of the decision must be stated. The rule itself in (former) staff rule 111.2 does not require anything more than identification of the decision in respect of which administrative review is sought. It is for the Administration to ascertain the circumstances and consider whether the decision ought to be changed. Of course, any particular matters brought to the attention of the Secretary-General should be carefully examined.

22. However, nothing impedes the respondent from advertising the post on Galaxy despite the fact that an internal vacancy announcement had already been issued. That the applicant did not receive this internal vacancy announcement was unfortunate, but did not have any legal consequences. The mere fact that the post was advertised on Galaxy neither avoided the necessity for complying with the process mandated by ST/AI/2006/3 in respect of eligible 15-day candidates, nor did it prevent this from occurring. Furthermore, the internal vacancy announcement and the Galaxy advertisement were practically identical, and the minor differences could not have changed the assessment of the applicant as unsuitable for the post (see more below).

Self-revision as a requirement in the vacancy announcements and for the post

23. The applicant claims that both vacancy announcements (the internal and the Galaxy advertisements) improperly deviated from the generic job profile by including self-revision as a required qualification. Sec 1 of ST/AI/2006/3 defines a generic job profile as –

... a classified standard job description that encompasses a large group of related jobs for which major characteristics of the job are similar in duties and responsibilities, education, work experience, technical skills and essential core competencies.

Sec 4.3 requires –

[the] vacancy announcement ... [to] include the qualifications, skills and competencies required and reflect the classified functions of the post, using to *the greatest possible extent* the database of generic job profiles maintained by OHRM [italics added].

Accordingly, requirements differing from those expressed in a generic job profile which are seen as necessary or desirable for the particular post are permitted. Indeed, PCOs, when building vacancy announcements and evaluation criteria, are instructed that “elements of [the generic job profile] which are at a generic level should not be copied wholesale in [the vacancy announcement/evaluation criteria]” (see Staff Selection System Guidelines for Programme Managers, sec III, “Responsibilities”).

24. The applicant’s submission would be correct if the specified requirements amounted to an attempt to fill what was in substance a P-4 post at the P-3 level. Such an attempt would undoubtedly be improper. However, a variation of one of a number of necessary requirements would be unlikely to be sufficient. This is also explained in the GJP Guidelines, which state that the “[specific] duties of a particular job are not identified in a GJP” and continue –

GJPs form the basis from which VAs are created. ***Managers will not be able to modify GJPs in any way.*** However, managers may tailor VAs by adding or deleting bullets taken from the GJPs to highlight responsibilities, educational requirements and work experience of a

particular job to meet their recruitment needs. Too much tailoring of VAs from the original GJP would be a cause for concern and could lead to questions concerning the classified level of the job.

25. The respondent submitted (and it did not appear to be contradicted by the applicant) that self-revision skills were crucial for the P-3 translator position with UNOV as up to half of the work, and sometimes much more, had to be self-revised. However, the actual evidentiary value of a submission in the absence of any actual evidence is doubtful and I am not prepared to give more than qualified weight to this factor. More to the point, it seems to me reasonable to infer that the job description in fact reflected the requirements of the post, and it is unnecessary to go further, since the applicant did not dispute that this was so. His case was that by requiring this attribute, the respondent had, in substance, required a P-4 post to be filled by a P-3 candidate. As has already been noted, the opinion of the responsible officer in OHRM was that the specification of the additional requirement as to self-revision did not have the effect of making the post a P-4 position. On the state of the evidence before me, I can see no good reason for not accepting this statement at face value.

26. Of course, the drafter should not be influenced by extraneous or ulterior motives when drafting the job requirement. But nothing in the present case suggests that the PCO was influenced by any such motives when he decided to include self-revision as a prerequisite for the position, and both the vacancy announcement and the evaluation criteria had been pre-approved by the Human Resource Officer and the CRC, respectively. The circumstance that self-revision under the generic job profile is a requirement for P-4 translator positions and not for P-3 positions is not by itself determinative, since a comparison of the two classifications shows a range of differences of which this is but one. Furthermore, the extent of self-revision and of supervisory oversight clearly varies between the two levels.

27. Accordingly, self-revision was an appropriate prerequisite for the suitability of candidates applying for the contested position as was the requirement that the candidate had “experience in self-revision”. These requirements were repeated in

the evaluation criteria and applicable to the evaluations both of the PCO in identifying the candidates for interview and of the interview panel in assessing the candidates.

The applicant's suitability for the post

28. It is not for me to decide whether the relevant decision-makers were correct when they determined that the applicant did not have the required self-revision skills and, at all events, I am not qualified to do so. This follows impliedly from the terms of the staff member's contract. Leaving aside the case where there is a particular legal right to appointment (for example, *Kasyanov* UNDT/2009/022, where the applicant was the only suitable 15-day candidate), the obligation of the Administration and consequential right of the staff member is that a fair consideration of the candidacy is undertaken in good faith and in accordance with the applicable instruments. The actual merits of the decision are relevant only if it were alleged that it was unreasonable or plainly unjust. The relevance of this examination arises because, where such an unreasonable or unjust decision is made, it provides cogent evidence that something has gone seriously wrong with the process and bespeaks significant error of one kind or other. Where an error is patent, the decision must be held to be a breach of the staff member's contract. However, on occasions, the material appears to show that all is in order but the resulting decision is so unreasonable or plainly unjust that it should be inferred that a latent error had occurred. In such a case, even though the error itself cannot be identified, the outcome will be sufficient to establish its existence and, hence, the breach of contract.

29. The applicant contends that his long-term experience in self-revision can be deduced from his e-PAS records and should be inferred to be adequate since he was rostered for a P-4 position in Vienna (although no actual evidence was provided in this regard). However, the applicant's e-PAS records in fact indicate that he merely undertook limited self-revision during this period, if any. Little is said about his general experience in self-revision, let alone as to the standard of this work: it was

merely stated that his work generally required medium to light revision. In light of the qualified nature of the experience demonstrated in these records, the assessment of the panel, in effect, that the applicant did not satisfy the criterion of self-revision is not surprising. At trial, the applicant challenged the evaluation of the panel in this respect but did not suggest that he had placed material before the panel that was inappropriately ignored or inadequately assessed. Accordingly, there is no basis upon which I could properly find that the panel was wrong or mistaken as to whether the applicant met this requirement.

30. At all events, this appraisal was very much the panel's responsibility and within its expertise, and my perusal of the e-PAS records certainly does not indicate that they erred.

31. The respondent also relies on the assessment of the panel that the applicant did not meet the requirements concerning "a recognized specialization in criminal and/or trade law" or "knowledge of CAT tools". While the latter was not a mandatory requirement as it was listed under "Other Desirable Skills" in both the Galaxy advertisement and in the evaluation criteria, the requirement of a recognised specialisation in criminal and/or trade law was explicitly mentioned as a prerequisite under "Work Experience". The requirement that the 15-day candidate be suitable for appointment in order to achieve the designated priority is not a reference only to the necessary prerequisites for appointment. The question of suitability in this respect is an overall notion that means that the candidate is fit to undertake the duties of the post. Accordingly, all relevant attributes, both those which are stipulated as essential and those specified as desirable must be evaluated to enable his or her suitability to be determined. As should be obvious, a candidate might well be suitable to be short-listed for interview and yet demonstrate that, in the result, he or she is not suitable. It is this ultimate suitability that is the key notion for determining the right to the priority given to 15-day candidates and not mere satisfaction of the mandatory or formal prerequisites for appointment. The applicant contended that he did have experience in these fields. However, again, this was a matter for the panel to assess

and there is no convincing evidence before me to suggest that they were either mistaken in their appraisal or unfair in their consideration of it.

The applicant's legitimate expectation of a lateral transfer as a P-3 translator

32. In my judgment in *Sina* UNDT/2010/060 I set out a brief definition of the legal notion of a "legitimate expectation", namely –

A legitimate expectation giving rise to contractual or legal obligations occurs where a party acts in such a way, by representation by deeds or words, that is intended or is reasonably likely to induce the other party to act in some way in reliance upon that representation and that other party does so.

The principle has sometimes been applied in administrative law to the legitimate expectation that a decision maker will act in a certain way in coming to a decision, arising from some implied or informal rule or practice. Such an approach is not objectionable when construing contracts such as those between staff members and the UN, where the relevant instruments form part of the contracts and there is, in addition, widespread use of some implied or informal rule or practice. I would prefer, however, to focus on the actual legal issue and place such a use of the notion of legitimate expectation firmly in the contractual legal sphere as an attribute of the implied requirement of good faith and fair dealing.

33. In some cases, the distinction between the administrative law and the contractual approach might be significant (for example, when dealing with the problem of ostensive authority) but it does not matter here. The applicant's legitimate expectation of fair consideration for this lateral transfer was not disappointed, since he did not satisfy its requirements.

Procedural irregularities

34. The applicant contends that procedural deficiencies in the selection process resulted in him, an internal 15-day candidate, being appraised against an external 60-day candidate. This depends upon whether he was a "suitable candidate" within the

meaning of sec 7.1 of ST/AI//2006/3. Since the only material available to the PCO was that contained in his PHP, the applicant was initially assessed as not fulfilling the requirement of self-revision experience and, accordingly, not interviewed. At that stage, he was not a “suitable candidate” and it was necessary to consider the other non 15-day candidates. The e-PAS reports were later considered in the context of a re-appraisal of his suitability. Although they provided some slight evidence of self-revision, the panel’s appraisal of the applicant against the evaluation criteria was that he was not suitable for the variety of reasons that have been mentioned. Had he been found to be suitable, as the only eligible 15-day candidate he must have been appointed, however favourable had been the appraisals of the other candidates that had occurred in the meantime, since he could not lose the priority accorded to him by sec 7.1 as an eligible 15-day candidate merely because, as it happened, the other candidates had been appraised before him as a matter of chronology: see *Kasyanov*. It follows that, once it be accepted that the applicant was found not be suitable for appointment, there was no error in not appointing him.

35. That the applicant found the process prolonged, stressful and humiliating is unfortunate, and maybe understandable, but there is no basis for concluding that he was unfairly appraised or that the incorrect criteria were applied to his suitability.

The applicant not being informed of the decision

36. The programme manager is obliged, under sec 9.5 of ST/AI/2006/3 to inform unsuccessful interviewed candidates of their non-selection. It is implied that the information must be conveyed within a reasonable time. To leave these candidates to discover their lack of success by checking a later Galaxy announcement showing the position as filled does not satisfy this requirement. Aside from any other consideration, timely notification is essential to enable these candidates to make a timely decision whether they wish to exercise their rights under the internal justice system in respect of the decision. The applicant only realised that he was not selected for the post on 25 December 2008 when he saw a notice concerning the post on the

UN website, ie, three weeks after the decision of the Director-General of UNOV was made. I would accept that, as with all candidates, there are natural feelings of uncertainty and anxiety in these situations, but the applicant's feelings would scarcely have been assuaged by discovering he had failed.

Conclusion

37. No legally adverse consequences followed from the failure to inform the applicant of his failure within a reasonable time. I am not prepared to find that the right is valueless, although only nominal compensation is payable. I award the applicant the sum of US\$500 for this breach of his contract.

38. In all other respects, the application is dismissed.

(Signed)

Judge Adams

Dated this 15th day of April 2010

Entered in the Register on this 15th day of April 2010

(Signed)

Hafida Lahiouel, Registrar, New York