



Before: Judge Joelle Adda

Registry: New York

Registrar: Nerea Suero Fontecha

RUSSO-GOT

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:
Self-represented

Counsel for Respondent:
Jenny Kim, UNOPS
Jameel Baasit, UNOPS

Introduction

1. In the present case, the Applicant challenges his non-selection for seven posts in the United Nations Office of Project Services.
2. On 23 October 2020, the Applicant filed a motion for production of evidence providing fresh information previously unknown to the Tribunal.
3. The Applicant further requests the Tribunal to direct the Respondent to submit further documentation.

Consideration

Receivability issues

4. In his latest motion, the Applicant states that he is involved in mediation with the Administration through the Office of the Ombudsman concerning the decisions not to select him for the posts of United Nations Technology Innovation Lab (“UNTIL”) Thematic Lead in Circular Economy, UNTIL Lab manager, and UNTIL Thematic Lead in Education, which he contests in his application.
5. The Tribunal notes that none of the previous submissions by either of the parties reference any mediation process. Given that the Respondent challenges the application’s receivability with respect to these decisions, the Tribunal deems it necessary to seek the Respondent’s clarification on this point.

Request for production of additional evidence

6. The Applicant claims that, as directed by the Tribunal, the Respondent submitted the personal history forms presented by the Applicant in his candidacy for the posts of UNTIL Thematic Lead in Health, Senior ERP Change and Coordination Officer. However, the Applicant states that these submissions do not include the *curriculum vitae* that accompanied the Applicant’s candidacies for these posts.

7. The Applicant therefore states that “it is necessary to investigate that all shortlisted candidates met all [the vacancy announcement] requirements”.

8. The Tribunal recalls that pursuant to the well-established jurisprudence of the Appeals Tribunal in cases of non-selection, (see, for instance, *Lemonnier* 2017-UNAT-762), the Tribunal will review whether an applicant’s candidature for a post was afforded full and fair consideration. To do so, the Tribunal will have to satisfy itself that the relevant procedures were followed with respect to said applicant.

9. Given that in this case, the stated reasons why the Applicant was not successful in the contested selection processes are that he either failed the corresponding written test or that he did not possess some of the requirements in the vacancy announcement, the Tribunal will assess whether the record supports these reasons. Information concerning other candidates is therefore irrelevant as it does not impact the Applicant’s right to the fair and full consideration of his candidacies.

10. The Tribunal notes that the Applicant refers to some *curricula vitae* that were submitted along with the personal history forms and that have not been provided by the Respondent. However, the Applicant fails to indicate how such *curricula* would include information absent from the personal history forms that are part of the case file.

11. Therefore, save for the additional information concerning ongoing mediation processes discussed above, the Tribunal is satisfied that the documentation currently on the record is sufficient for the determination of this case.

12. In light of the above,

IT IS ORDERED THAT:

13. By **4:00 p.m. on Wednesday, 28 October 2020**, the Respondent shall submit his views with respect to the Applicant’s contentions concerning ongoing mediation discussions with respect to the selection processes for the posts of UNTIL Thematic Lead in Circular Economy, UNTIL Lab manager and UNTIL Thematic Lead in

Education and how this mediation would impact the Respondent's claims on
receivability in this case.

(Signed)

Judge Joelle Adda

Dated this 23rd day of October 2020