



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2022/006

Order No.: 113 (NY/2022)

Date: 20 December 2022

Original: English

Before: Judge Joelle Adda

Registry: New York

Registrar: Morten Albert Michelsen, Officer-in-Charge

DOLGOPOLOV

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Jenny Kim, ALD/AS/OHR, UN Secretariat

Introduction

1. On 30 January 2022, the Applicant, an Associate Administrative Officer with the Department of Operational Support (“DOS”), filed an application contesting his non-selection for the temporary job opening of Administrative Officer at the P-3 level with the United Nations Human Settlements Programme (“UN-Habitat”) in Nairobi, Kenya (“the TJO”).

2. On 2 March 2022, the Respondent filed his reply contending that the contested decision is legal, reasonable, and procedurally fair. The Respondent states that in compliance with ST/2010/4/Rev.1 (Administration of temporary appointments), the Administration conducted a comparative analysis to assess candidates, which included objective criteria directly related to the TJO. The Respondent further states that the Applicant was given fair and adequate consideration and scored second on the comparative analysis. The applicable regulations and rules were applied in a fair, transparent and non-discriminatory manner resulting in the Administration selecting the candidate with the higher score on the comparative analysis.

3. On 11 March 2022, the Applicant filed a response to the Respondent’s reply in which he submits that “the selection process was tailored to recruit a female candidate and that the respondent was not willing to offer the position to me”. The Applicant argues that the results of the comparative review process raise questions about the fairness of the score assignment. The Applicant requests disclosure of the evaluation criteria used for the comparative review and results of the technical assessment and competency-based interview for the TJO.

Consideration

4. Having reviewed the parties’ submissions, the Tribunal considers it appropriate and in the interest of justice to direct the parties to file further submissions.

5. In particular, the Tribunal considers it necessary for the Respondent to provide further submissions on the selection process, in particular to clarify how the comparative review was calculated and disclose any related documents, including the evaluation criteria used for the comparative review and redacted results of the technical assessment and competency-based interview for the TJO.

6. Pursuant to art. 19 of the Dispute Tribunal's Rules of Procedure and for a fair disposal of the case,

IT IS ORDERED THAT:

7. By **4:00 p.m. on Friday, 6 January 2023**, the Respondent is to file further submissions on the selection process, in particular explaining how the comparative review was calculated and disclose any related documents, including the disclosure of the evaluation criteria used for the comparative review and redacted results of the technical assessment and competency-based interview for the TJO.

8. By **4:00 p.m. on Friday, 20 January 2023**, the Applicant is to file a response to the Respondent's further submission. The submission is to be five pages maximum, using Times New Roman, font 12 and 1.5 line spacing.

9. Unless otherwise ordered, by the filing of the Applicant's 20 January 2023 submission, the Tribunal will adjudicate the case on the papers before it.

(Signed)

Judge Joelle Adda

Dated this 20th day of December 2022