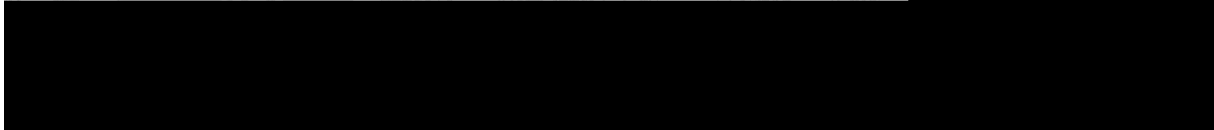




NS APPEALS TRIBUNAL
TRIBUNAL D'A

Case No. 2010-174



Counsel for Appellant: Winston Sims

Counsel for Respondent: Amy Wood

JUDGE SOPHIA ADINYIRA, Presiding.

Synopsis

1. Mr. Mohamed Elasoud, a security officer of the United Nations Safety and Security Service (UNSSS), requested administrative review of the departmental recommendations concerning his application for three separate vacant posts. The United Nations Dispute Tribunal (UNDT or Dispute Tribunal) upheld the Secretary-General's decision that the contested recommendations did not constitute administrative decisions. We find no reason to overturn this decision. The appeal is dismissed.

Facts and Procedure

2. Mr. Elasoud joined the UNSSS in November 1985 as a Security Officer at the GS level on a short-term appointment. In February 1992, Mr. Elasoud was granted a permanent appointment. From

In 2000, Mr. Elasoud

12. Mr. Elasoud requests the production of the Departmental Recommendations, as well as other departmental recommendations, related to the posts for which he applied. He also requests that the United Nations Appeals Tribunal (Appeals Tribunal) hold an oral hearing during which he wishes to call witnesses.

Secretary-General's Answer

13. The Secretary-General submits that the UNDT correctly concluded that Mr. Elasoud's application was not receivable *ratione materiae*, because the Departmental Recommendations do not constitute administrative decisions.

14. The Secretary-General submits that the UNDT committed no error that would warrant a reversal of its determination that the application was non-receivable. In particular, the Secretary-General submits that the fact that the UNDT did not directly address specific evidence presented by Mr. Elasoud does not mean that the UNDT did not consider it or erred in relation to it.

15. The Secretary-General submits that Mr. Elasoud merely presents his own opinion that the UNDT came to the "wrong conclusion" with respect to the issue of receivability without demonstrating any error in the contested Judgment.

Considerations

16. Mr. Elasoud's application for an oral hearing and the production of documents is rejected as they would not add anything to this appeal.

17. On the merits, the Appeals Tribunal observes that Mr. Elasoud is not contesting the administrative decisions not to appoint him to any of the three vacant posts he had applied for in 2000. Mr. Elasoud is rather contesting the Departmental Recommendations

Judgment

19. The appeal is dismissed. The Judgment of the UNDT is affirmed.

Original and authoritative version: English

Dated this 21st day of October 2011 in New York, United States.

(Signed)

Judge Adinyira, Presiding

(Signed)

Judge Weinberg de Roca

(Signed)

Judge Courtial

Entered in the Register on this 2nd day of December 2011 in New York, United States.

(Signed)

Weicheng Lin, Registrar