



Before: Judge Alexander W. Hunter, Jr.

Registry: Geneva

Registrar: René M. Vargas M.

BOUCHARDY

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**JUDGMENT
ON RECEIVABILITY**

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Elizabeth Brown and Chenayi Mutuma, UNHCR

Introduction

1. On 27 April 2020, the Applicant, a staff member of the Office of the United Nations High Commissioner for Refugees (“UNHCR”), filed an application to contest his non-selection for the post of Deputy Head of Joint Data Center, UNHCR – World Bank (“the post”).
2. The Respondent replied that the application is moot and, in any event, without merit.
3. Having reviewed the evidence in this case along with the parties’ submissions, the Tribunal finds that the application is moot.

Relevant facts

4. The Applicant applied for the post on 31 May 2019.
5. On 14 October 2019, the name of the selected candidate was announced.
6. On 12 December 2019, the Applicant requested management evaluation of the decision not to select him. The Management Evaluation Unit informed the Applicant that the contested decision had been upheld and, thus, the Applicant filed the present application on the same day.
7. On 19 May 2020, the position of Deputy Head of Joint Data Center was re-advertised.

Consideration

8. The Tribunal notes that in his application, the Applicant requests the following remedies:
 1. Re-advertise the post according [to] standard UNHCR rules (sic.), or

2. Propose me with an alternative similar managerial post (i.e., Representative), or

3. To find an alternative suitable arrangement for both parties in order to compensate the violation of my right to be fairly assess[ed] for managerial post (P5) position within UNHCR, or

4. Six months['] financial compensation['].

9. The Tribunal recalls the Appeals Tribunal's well-established doctrine on mootness, best illustrated in *Kallon* 2017-UNAT-742 (para. 44):

A judicial decision will be moot if any remedy issued would have no concrete effect because it would be purely academic or events subsequent to joining issue have deprived the proposed resolution of the dispute of practical significance; thus placing the matter beyond the law, there no longer being an actual controversy between the parties or the possibility of any ruling having an actual, real effect. The mootness doctrine is a logical corollary to the court's refusal to entertain suits for advisory or speculative opinions.

10. In the current case, the Applicant formulates his requested remedies in the alternative, that is, he requests to be awarded one of the four listed remedies. The first listed remedy in the application is the re-advertisement of the position. The Tribunal notes that this re-advertisement already took place in May 2020 and there is no evidence or claim that the Applicant was not free to re-apply.

11. Therefore, as the post has been re-advertised, regardless of the merits of the application, the Applicant has already obtained the remedy he sought. The application is therefore moot.

Conclusion

12. The application is dismissed as moot.

(Signed)

Judge Alexander W. Hunter, Jr.

Dated this 10th day of February 2021

Case No. UNDT/GVA/2020/023

Judgment No. UNDT/2021/008

Entered in the Register on this 10th day of February 2021

(Signed)

René M. Vargas M., Registrar, Geneva