



IN THE MATTER OF:

H.Z., Applicant

v.

Chairperson of the African Union Commission, Respondent

FOR APPLICANT: *Pro se*

FOR RESPONDENT: Guy-Fleury NTWARI, Legal Counsel, African Union Commission

BEFORE: S. MAINGA, President, J. SEDQI, and P. COMOANE

HEARD ON: 24 August 2022, 22 September 2022

JUDGMENT

Procedural and Factual History

1. On 21 May 2021, Applicant, a Finance Officer (P-2) with the Pan African University Institute for Governance, Humanities and Social Sciences (PAUGHS), filed an application contesting the decision not to select him for the regular-appointment post of Finance Officer (P-2) within the same institution.
2. Respondent submitted his written Answer on 6 August 2021. Applicant filed his written Observations on 3 September 2021.
3. On 30 August 2016, Applicant was hired as a Finance Officer (P-2) fixed-term appointee at the PAUGHS. In July 2018, the Organization advertised the post of Finance Officer, a regular appointment post, at the salary grade of P-2. Applicant applied for the position.
4. A shortlisting for the advertised post was conducted on 15 June 2020.¹ All shortlisted candidates, including Applicant, were subsequently invited for a written examination. Applicant was not interviewed for the post ostensibly because of his written examination score. On 4 February 2021, HRM informed Applicant that his candidacy would not advance further.
5. On 4 February 2021, Applicant unsuccessfully petitioned the Deputy Chairperson, seeking suspension of the recruitment process. He then filed his application with the Tribunal on 21 May 2021. He asks the Tribunal to: (a) order suspension of the recruitment process; (b) order his appointment on the post based on the claim that he encumbered the post for years albeit in a fixed-term appointment; (c) order Respondent to shortlist and interview him for the post; or (d) order Respondent to offer him appointment on an equivalent post.
6. Respondent submits that Applicant's claims are not receivable having been filed out of time. On the merits, Respondent argues that the recruitment process was lawfully conducted consistent with applicable rules.
7. The facts and issues have been presented adequately in the pleadings and this matter is decided without the need to invite the parties for an oral hearing.

Discussion

8. For an application to be receivable, a staff member must seek review by the Chairperson within thirty days of the contested administrative decision.² The Chairperson has thirty days in which to complete the review, failing which the request will be deemed constructively denied.³

¹ Applicant alleges that a prior shortlisting was done in May or June 2019 where he was not successful, but the Tribunal will proceed based on the official record of recruitment according to which the shortlisting was conducted on 15 June 2020.

² Staff rule 62.1.

³ *Id.*

9. The staff member then has additional thirty days to file an application with the Tribunal, reckoned thirty days after the filing of administrative review request or from the date of receipt of a decision on the administrative review request, whichever comes first.⁴ Staff members must strictly comply with these mandatory timelines.⁵
10. The decision centrally being contested here is the decision not to select Applicant for the post of Finance Officer (P-2).⁶ Applicant was informed that he had been unsuccessful on 4 February 2021, and he appealed to the Deputy Chairperson on the same day. Without the need to rule on whether the Deputy Chairperson is the appropriate reviewing authority, the Tribunal concludes that the period provided to Applicant to file a timely application expired on 4 April 2021.
11. Applicant recounts several grounds that he believes would excuse the filing delay. He claims he was overwhelmed with work and dealing with a personal stress related to the conflict in northern Ethiopia. Applicant also pleads as a factor his alleged infection with the coronavirus. However, he has not presented evidence pertaining to any of these grounds. Nor has he explained how each event prevented him from filing his application prior to 4 April 2021.
12. Applicant also pleads lack of expertise in litigating before the Tribunal. This argument is unavailing; ignorance of the law is not accepted as an excuse for missing filing deadlines. The application is untimely and no compelling grounds exist warranting a waiver.
13. If this matter were considered on its merits, the Tribunal would have serious concerns about the recruitment process, including one arising from the inclusion, in the final short-list, of candidates who do not appear to have sat for the written examination. Respondent may wish to review the process for such anomalies and administratively correct them.
14. There being no need for determination of other issues in this case, the Tribunal DISMISSES the application.

Date: 21 October 2022

/signed/

SYLVESTER MAINGA, PRESIDENT
JAMILA B. SEDQI
PAULO D. COMOANE

Secretary: _____



⁴ Staff rule 62.1; AUAT Statute art.13(iv).

⁵ *M.Z.L.*, AUAT/2018/001, para. 13.

⁶ The Tribunal does not find that the short-listing allegedly conducted on June 2019 resulted in any reviewable, final, decision.

