

Organisation internationale du Travail  
*Tribunal administratif*

International Labour Organization  
*Administrative Tribunal*

**R.**  
**v.**  
**ILO**

**122nd Session**

**Judgment No. 3707**

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaint filed by Mr C. R. against the International Labour Organization (ILO) on 5 April 2016 and corrected on 13 May 2016;

Considering Articles II, paragraph 1, and VII of the Statute of the Tribunal and Article 7 of its Rules;

Having examined the written submissions;

#### CONSIDERATIONS

1. The complainant has filed a complaint impugning the final decision, taken on 5 January 2016 in light of the report of the Joint Advisory Appeals Board, on his grievance concerning his performance evaluation for the period 2012 to 2013.

2. The complainant indicates in the complaint form that he was notified of the impugned decision on 5 January 2016. He filed his complaint with the Tribunal on 5 April 2016, when it was delivered by hand to the Registry.

3. Article VII, paragraph 2, of the Tribunal's Statute provides that "[t]o be receivable, a complaint must [...] have been filed within

ninety days after the complainant was notified of the decision impugned”. It is not within the competence of the Tribunal to extend this period of time set forth by the Statute. The ninety-day period begins to run on the day following the date of notification of the impugned decision. Where the ninetieth day falls on a public holiday, the period is extended until the next business day (see Judgments 2250, under 8, and 3630, under 3).

4. In this case, the ninety-day period provided for in Article VII of the Statute ended on Monday 4 April 2016, which was not a public holiday. Accordingly, the complaint filed on 5 April 2016 is time-barred and clearly irreceivable and must therefore be summarily dismissed in accordance with the procedure provided for in Article 7 of the Rules of the Tribunal.

#### DECISION

For the above reasons,  
The complaint is dismissed.

In witness of this judgment, adopted on 17 May 2016, Mr Claude Rouiller, President of the Tribunal, Mr Giuseppe Barbagallo, Vice-President, and Ms Dolores M. Hansen, Judge, sign below, as do I, Andrew Butler, Deputy Registrar.

Delivered in public in Geneva on 6 July 2016.

CLAUDE ROUILLER

GIUSEPPE BARBAGALLO

DOLORES M. HANSEN

ANDREW BUTLER