

115th Session

Judgment No. 3244

THE ADMINISTRATIVE TRIBUNAL,

Considering the application for review of Judgment 2975 filed by Ms K.E. G. on 25 March 2011 and corrected on 18 and 28 April 2011;

Considering Article II, paragraph 5, of the Statute of the Tribunal and Article 7 of its Rules;

Having examined the written submissions and decided not to order hearings;

CONSIDERATIONS

1. This is an application for review of Judgment 2975, delivered on 2 February 2011, in which the Tribunal considered two matters: the complainant's allegations of harassment on the part of her first-level supervisor, Mr B., and the termination of her employment. The complainant states that this request for review concerns only the second matter and, more particularly, she alleges that the decision to terminate her contract was tainted by personal prejudice and bias on the part of Ms A., her functional supervisor for the period from 27 June to 16 December 2006.

2. The application is grounded on an alleged new fact which the complainant claims she came upon too late to cite in the original

proceedings which led to Judgment 2975. The alleged new fact consists of a written statement made by Ms A., which was provided to the Headquarters Grievance Panel by Mr B. as an attachment to his response to the complainant's harassment claims.

3. The complainant contends that the Grievance Panel's failure to complete its investigation of her allegations of harassment prevented the Headquarters Board of Appeal from making a finding that personal prejudice and bias contributed to the decision to terminate her employment, thus resulting in a denial of justice in her appeal to the Headquarters Board of Appeal and her subsequent complaint to the Tribunal. She argues that the contents of the statement would have had a bearing on her internal appeal as it would have permitted the Board to conclude that personal prejudice and bias on the part of Ms A. did play a role in the non-renewal of her contract. She also claims that, in violation of the staff rules, she was not given notice of what she considers to be charges made against her by Ms A., and she has been deprived of her right to answer Ms A.'s statements.

4. As provided in Article VI of its Statute, the Tribunal's judgments are final. Accordingly, they are subject to the application of the principle of *res judicata*. However, it is well settled that they may be reviewed in exceptional circumstances and on limited grounds (see, for example, Judgments 748, under 3, 1252, under 2, 1294, under 2, 1504, under 8, 2270, under 2, and 2693, under 2). In this application the complainant is attempting to seek redress for consequences flowing from the Grievance Panel's failure to complete its investigation. This was specifically addressed by the Tribunal in Judgment 2975, under 12 and 13, for which the complainant received an award of moral damages. It follows that the application is devoid of merit and will be dismissed in accordance with the summary procedure provided for in Article 7 of the Rules of the Tribunal.

DECISION

For the above reasons,
The application is dismissed.

In witness of this judgment, adopted on 8 May 2013, Ms Dolores M. Hansen, Presiding Judge of the Tribunal for this case, Mr Michael F. Moore, Judge, and Sir Hugh A. Rawlins, Judge, sign below, as do I, Catherine Comtet, Registrar.

Delivered in public in Geneva on 4 July 2013.

Dolores M. Hansen
Michael F. Moore
Hugh A. Rawlins
Catherine Comtet