

T. (No. 14)

v.

EPO

(Application for review)

120th Session

Judgment No. 3480

THE ADMINISTRATIVE TRIBUNAL,

Considering the application for review of Judgment 3427 filed by Mr P. O. A. T. on 2 May 2015;

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

Having examined the written submissions;

CONSIDERATIONS

1. The complainant applies for review of Judgment 3427, delivered on 11 February 2015. He indicates that, under 32, the Tribunal held that the fundamental flaw in the complainants' respective positions was that none of them claimed as a fact to be in receipt of the lump-sum compensation provided for by decision CA/D 14/08. Consequently, it could not be said that decision CA/D 14/08 had been applied to any of the complainants. He submits that the Tribunal has failed to take into account that Mr G., one of the complainants in the complaints that gave rise to Judgment 3427, was a pensioner with fiscal residence in Germany and therefore was "certainly" in receipt of the lump-sum compensation. He argues that this important fact undermines the "foundation" of Judgment 3427 and asks the Tribunal to review its Judgment.

2. It is well settled that the Tribunal's judgments may only be reviewed in exceptional circumstances and on the grounds of a failure to take account of particular facts, a mistaken finding of fact that involves no exercise of judgement, omission to rule on a claim, or the discovery of some new fact which the complainant was unable to invoke in time in the earlier proceedings. As well, the ground on which review is sought must be one that would have led to a different result in the earlier proceedings (see Judgments 1952, under 3, 3000, under 2, and 3385, under 1).

3. The Tribunal noted in Judgment 3427, under 8, that Mr G. was a pension recipient but concluded, under 32, that he did not claim that he was in fact in receipt of the lump-sum compensation. The complainant's criticisms, as summarised under 1 above, challenge the Tribunal's appraisal of the merits of the complaint in Judgment 3427. Hence they do not constitute grounds for review. Furthermore, as he does not identify any omission or material error on the part of the Tribunal that are specific to his factual situation, his application must be dismissed.

Moreover, the complainant does not claim that he was in receipt of the lump-sum compensation at the material time nor could he be, since he retired only on 1 January 2015. The conclusion reached by the Tribunal in Judgment 3427 could therefore not have been different with respect to him.

4. Since the pleas put forward by the complainant clearly do not warrant a review of Judgment 3427, his application for review must 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 application for review is dismissed.

In witness of this judgment, adopted on 22 May 2015, Mr Giuseppe Barbagallo, President of the Tribunal, Ms Dolores M. Hansen, Judge, and Sir Hugh A. Rawlins, Judge, sign below, as do I, Dražen Petrović, Registrar.

Delivered in public in Geneva on 30 June 2015.

GIUSEPPE BARBAGALLO

DOLORES M. HANSEN

HUGH A. RAWLINS

DRAŽEN PETROVIĆ