

Organisation internationale du Travail
Tribunal administratif

International Labour Organization
Administrative Tribunal

*Registry's translation,
the French text alone
being authoritative.*

P. (No. 17)

v.

ITU

121st Session

Judgment No. 3627

THE ADMINISTRATIVE TRIBUNAL,

Considering the seventeenth complaint filed by Ms M. P. against the International Telecommunication Union (ITU) on 8 December 2014;

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

Having examined the written submissions;

CONSIDERATIONS

1. By a letter of 30 April 2014 the complainant challenged the calculation of the contributions that she had paid since May 2001 (when she had been granted a disability pension) to the two health insurance schemes to which the ITU had successively subscribed, as well as the amount of her disability pension. She requested inter alia that the ITU reimburse within 60 days the sums that it had, in her view, wrongly deducted, failing which she “would have no choice but to refer the matter to the Appeal Board”. Having received no reply “after more than six weeks”, she lodged an appeal with the Appeal Board on 16 June, in other words, before the 60-day period had elapsed.

2. On 26 June, i.e. within that 60-day period, the Chief of the Human Resources Management Division responded to the complainant's letter of 30 April and endeavoured to demonstrate that the calculations were correct.

3. By a memorandum of 10 July, he replied to the complainant's appeal of 16 June. He maintained that her request of 30 April was not a request for review of an administrative decision and that the deadline of six weeks provided for in paragraph 2 b) of Staff Rule 11.1.1 therefore did not apply. In his view, since the response of 26 June had been provided within the 60-day deadline set by the complainant, the appeal of 16 June was premature. In its report of 19 August 2014, the Appeal Board found that the appeal was irreceivable on the grounds that the provisions of Chapter XI of the Staff Regulations and Staff Rules, which concern appeals, were not applicable.

4. By a letter of 7 October 2014, which constitutes the impugned decision, the complainant was informed that the Secretary-General considered that her appeal was premature and hence irreceivable, as she should have challenged the decision of 26 June.

5. The Tribunal observes that, as the complainant herself established the 60-day deadline in her letter of 30 April 2014, she should not have referred the matter to the Appeal Board before that period had elapsed.

6. Furthermore, the complainant did not impugn the decision of 26 June, which constituted the Administration's reply to her claim of 30 April 2014 and was provided within the period that she herself had stipulated. For that reason, her complaint against the Secretary-General's final decision of 7 October 2014 endorsing the Appeal Board's opinion is clearly devoid of merit and must be summarily dismissed in accordance with the procedure provided for in Article 7 of the Tribunal's Rules.

DECISION

For the above reasons,
The complaint is dismissed.

In witness of this judgment, adopted on 29 October 2015, Mr Claude Rouiller, President of the Tribunal, Mr Giuseppe Barbagallo, Vice-President, and Sir Hugh A. Rawlins, Judge, sign below, as do I, Dražen Petrović, Registrar.

Delivered in public in Geneva on 3 February 2016.

(Signed)

CLAUDE ROUILLER GIUSEPPE BARBAGALLO HUGH A. RAWLINS

DRAŽEN PETROVIĆ