

114th Session

Judgment No. 3194

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaint filed by Mrs R. L. against the International Labour Organization (ILO) on 15 April 2011;

Considering Articles II, paragraph 1, and VII, paragraphs 1 and 3, of the Statute of the Tribunal and Article 7, paragraph 2, of its Rules;

Having examined the written submissions;

CONSIDERATIONS

1. The complainant filed her complaint with the Tribunal on 15 April 2011. In the complaint form she does not identify any final decision, within the meaning of Article VII, paragraph 1, of the Statute of the Tribunal against which her complaint is brought. She indicates, however, that the complaint is brought against the implicit rejection of two claims which were, according to the form, notified to the Organization on 28 October 2008 and 10 January 2011, and for which no express decision was taken within the sixty-day time limit provided for in Article VII, paragraph 3, of the Statute.

2. Article VII(1) of the Statute of the Tribunal provides:

“A complaint shall not be receivable unless the decision impugned is a final decision and the person concerned has exhausted such other means of resisting it as are open to him under the applicable Staff Regulations.”

3. As regards the claim made on 28 October 2008, the complainant has not exhausted the internal means of redress available to her in the ILO Staff Regulations, as required by Article VII(1). Moreover, there is no documentation in the complaint file regarding the notification of a claim to the Organization on 10 January 2011 for which an express decision has not been taken.

4. Since the complaint is “clearly irreceivable”, it must be summarily dismissed, in accordance with the summary 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 9 November 2012, Mr Giuseppe Barbagallo, Presiding Judge of the Tribunal for this case, Ms Dolores M. Hansen, Judge, and Mr Michael F. Moore, Judge, sign below, as do I, Catherine Comtet, Registrar.

Delivered in public in Geneva on 6 February 2013.

Giuseppe Barbagallo
Dolores M. Hansen
Michael F. Moore
Catherine Comtet