

Organisation internationale du Travail
Tribunal administratif

International Labour Organization
Administrative Tribunal

E. (No. 2)

v.

FAO

(Application for review)

122nd Session

Judgment No. 3634

THE ADMINISTRATIVE TRIBUNAL,

Considering the application for review of Judgment 3593 filed by Mr A. E. on 22 March 2016;

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

Having examined the written submissions;

CONSIDERATIONS

1. In Judgment 3593, delivered in public on 3 February 2016, the Tribunal granted the complainant's request to set aside the impugned decision and awarded him material damages in the amount of 200,000 United States dollars as well as costs, while rejecting all other claims.

2. The complainant has filed an application for review of Judgment 3593 on the grounds that the Tribunal misconstrued a major fact, that it did not rule on several major claims, that it failed to have regard to several significant facts, that it made several material errors and that its judgment was inconsistent with its own case law.

More specifically, the complainant contends that the issue of retaliation, which he considers to be the main reason for the non-extension of his contract, was not properly addressed by the Tribunal. Furthermore, he considers that the duration of his contract was not taken into account in the award of material damages and that the amount of moral damages awarded should have been higher.

3. In his application for review, the complainant essentially raises the same arguments as those raised in his first complaint. He does not argue that there are any new facts on which he was unable to rely in the first proceedings through no fault of his own. He simply disagrees with the Tribunal's appraisal of the evidence and its interpretation of the law. Moreover, he completely ignores the fact that all claims that were not accepted by the Tribunal were specifically rejected in point 4 of the Tribunal's decision.

4. It is well settled that the Tribunal's judgments are final and that they may only be reviewed in exceptional circumstances and solely on the grounds of failure to take account of a particular fact, 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 could not invoke in time in the earlier proceedings. Additionally the ground on which review is sought must be one that would have led to a different result in the earlier proceedings (see Judgment 3563, consideration 4, and the case law cited therein).

5. The complainant's arguments, as summarised above, demonstrate that the present application for review does not raise any of the above grounds for review and that it is merely an attempt to re-litigate matters that were conclusively decided in Judgment 3593. As it is devoid of merit, it 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 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