

Organisation internationale du Travail
Tribunal administratif

International Labour Organization
Administrative Tribunal

T.
v.
IOM

122nd Session

Judgment No. 3708

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaint filed by Mr J. J. T. against the International Organization for Migration (IOM) on 18 July 2015 and corrected on 27 November 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, who was summarily dismissed, filed a complaint impugning the Director General's final decision endorsing the Joint Administrative Review Board's recommendation to dismiss his appeal.

2. The complainant indicates in the complaint form that he received the impugned decision on 20 March 2015. He filed his complaint with the Tribunal on 18 July 2015, as shown by the postmark on his submission.

3. Article VII, paragraph 2, of the Tribunal's Statute provides that "[t]o be receivable, a complaint must [...] have been filed within ninety days after the complainant was notified of the decision impugned". It is not within the competence of the Tribunal to extend this period of time set forth by the Statute. The ninety-day period begins to run on the day following the date of notification of the impugned decision. Where the ninetieth day falls on a public holiday, the period is extended until the next business day (see Judgments 2250, under 8, and 3630, under 3).

4. In this case, the ninety-day period provided for in Article VII of the Statute ended on 18 June 2015. Accordingly, the complaint filed on 18 July 2015 is time-barred and clearly irreceivable and must therefore 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 complaint 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