

LEAGUE OF NATIONS ADMINISTRATIVE TRIBUNAL

**ORDINARY SESSION OF MAY 1937
HEARING OF 9 MAY 1937**

***In re* TRANGMAR**

Judgment No. 18

THE LEAGUE OF NATIONS ADMINISTRATIVE TRIBUNAL,

Considering the complaint filed on 16 June 1936 by Mrs. Nora Elizabeth Trangmar, wife of Alan Edwin Trangmar, against the Secretariat of the League of Nations;

Considering that the complainant asks the Tribunal to:

"(a) Declare that my contract of employment with the Secretariat of the League of Nations be determined on the date hereof or on such other date as the Tribunal shall decide.

(b) That there be paid to me my salary to such date of determination together with 6 months salary in lieu of notice under Article 18 and One years salary in accordance with Article N° 73.

(c) That I be awarded £10,000 general damages as compensation for my ill health occasioned by my treatment by the Secretariat of the League of Nations and for breach of contract."*

Considering that the Administration asks the Tribunal to:

Declare Mrs. Trangmar's complaint ill-founded, to dismiss it in its entirety and to find that Mrs. Trangmar's contract ended on 15 August 1935 for reasons attributable to the complainant.

In her further submissions the complainant has maintained her claims and in its further submissions the defendant organisation has maintained its conclusions.

I. On receivability:

The complainant states that the impugned decision is:

"Letter of 27th July 1935 from Deputy Secretary-General in charge of Internal Administration granting sick leave to 15th August 1935 (subsequently suspended)"*;

And, under the heading "Failure of the Administration to take a decision (Article VII, paragraph 3, of the Statute of the Tribunal) date on which the complainant's grievance was notified to the Administration", she states the following:

"Letter of 12th March 1936 from Underwood Barron & Heys-Jones of 12/13 Holles Street, Cavendish Square, London, on behalf of complainant requiring payment of Swiss francs 6199,55 salary up to 15th March 1935, upon which no decision has been taken by the Secretariat."*

Under Article VII, paragraph 2, of the Statute of the Administrative Tribunal, to be receivable, a complaint must have been filed within ninety days after the complainant was notified of the decision impugned.

* English original.

The complaint is therefore irreceivable, since it concerns the decision referred to in the aforementioned letter of 27 July 1935.

The claims formulated by the complainant under (a) and (c) are also irreceivable, because they are completely unrelated to the aforementioned letter of 12 March 1936.

II. On the merits:

The complainant, who had been granted sick leave for the period 11 to 17 June 1935, did not return to Geneva after the expiry of this leave. She did not avail herself of the possibility given to her to request a leave extension to be counted as annual leave but that, having been in Montreux, she went to London. It was only on 29 June that she sent a letter from London to the Secretariat of the League of Nations, with which she enclosed a certificate from her own doctor, Dr. Foster, attesting that the complainant would not be fit to resume work for several months.

After the exchange of further letters and the production of a certificate from Dr. Bolt, who had been appointed by the defendant organisation, the complainant's sick leave was extended until 15 August inclusively. By a letter of 16 August 1935 the complainant was formally invited by the defendant to return to Geneva in order to be examined by a medical board.

It is plain from Article 35, paragraph 2, of the Staff Regulations that the complainant was under an obligation to comply with this invitation, unless she could prove that *force majeure* prevented her from undertaking the journey from London to Geneva.

The correspondence does not provide any shred of evidence that such impediment existed. Attestations to the effect that the complainant's indisposition prevented her from resuming work will not be deemed to constitute such evidence.

The complainant finally became entirely to blame on 1 October 1935 on the one hand by sending a letter to the Secretariat to the League of Nations, which she concluded in the following terms:

"... I can therefore only assume that I am no longer under the League jurisdiction and that I am at liberty to dispose of my time as I now think fit."*

and, on the other, by repeatedly refusing to undergo a medical examination in London, as the defendant organisation had kindly proposed to him despite so numerous breaches of discipline.

In these circumstances, the defendant organisation was certainly entitled no longer to pay the complainant her salary as from 15 August 1935. There are consequently no grounds for making her any award under this head.

For the above reasons,

The Tribunal

Declares the complaint irreceivable insofar as it concerns the decision referred to in the defendant organisation's letter of 27 July 1935;

Declares irreceivable the claims formulated by the complainant under (a) and (c) seeking, on the one hand, to have her employment contract terminated on the date of the complaint or any other date as the Tribunal might decide and, on the other, to be awarded damages in the amount of 10,000 pounds;

Declares groundless the claim she formulated under (b) seeking to have her salary paid until the date of termination, as well as, firstly, six months' salary in lieu of notice as provided for in Article 18 of the Staff Regulations and, secondly, one year's salary in accordance with Article 73;

* English original.

Therefore dismisses the complaint;

Orders that the deposit made under Article VIII of the Statute be refunded to the complainant.

In witness of which judgment, pronounced in public sitting on 9 May 1937 by His Excellency Mr. Albert Devèze, President, Mr. Eide and Jonkheer van Ryckevorsel, Judges, the aforementioned have hereunto subscribed their signatures, as well as myself, Nisot, Registrar of the Tribunal.

(Signatures)

Devèze
Eide
van Ryckevorsel
Nisot

Certified copy,

The Registrar of the Administrative Tribunal.