

## NINETY-SIXTH SESSION

(Application for review)

Judgment No. 2320

The Administrative Tribunal,

Considering the third application for review of Judgment 1665 filed by Mr F. P. on 18 February 2002;

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 Judgment 1665 delivered on 10 July 1997, the Tribunal dismissed a complaint filed by the complainant, a former staff member of the European Southern Observatory (ESO), against a decision of the Governing Board of the Pension Fund of the European Organization for Nuclear Research (CERN).

The complainant has already filed two applications for review of that judgment. His first application was dismissed by Judgment 1998 on the grounds that it was unsubstantiated and therefore irreceivable. His second application was the subject of Judgment 2117, in which the Tribunal noted that the complainant was "alleging a mistake and asking to have it corrected", but was "nonetheless acknowledg[ing] that to quash the whole of paragraph 10, or a particular sentence of [Judgment 1665], would not affect 'the substantial correctness of the decision of the CERN and of the decision of the Tribunal [which he] accept[ed]'" . Consequently, the Tribunal considered that the application was directed not against the operative part of Judgment 1665, but against one of the findings the Tribunal had made in its discussion of the pleadings, and it therefore dismissed the second application for review as irreceivable.

2. The complainant has now filed a third application for review. He again criticises paragraph 10 of Judgment 1665 and submits that the Tribunal's response to his plea was inappropriate. He also considers that Judgment 1665 contains errors in the Tribunal's response to his claims concerning the provision of full health insurance and the social security protection offered to staff members of the ESO by the CERN Pension Fund.

3. None of the pleas put forward in support of this third application for review justifies calling into question, once again, the Tribunal's decision, which has the authority of *res judicata*. The Tribunal therefore dismisses the application as clearly irreceivable in accordance with the summary procedure provided for in Article 7 of its Rules.

### DECISION

For the above reasons,

The application is dismissed.

In witness of this judgment, adopted on 14 November 2003, Mr Michel Gentot, President of the Tribunal, Mrs Florida Ruth P. Romero, Judge, and Ms Mary G. Gaudron, Judge, sign below, as do I, Catherine Comtet, Registrar.

Delivered in public in Geneva on 4 February 2004.

*(Signed)*

Michel Gentot

Flerida Ruth P. Romero

Mary G. Gaudron

Catherine Comtet

Updated by PFR. Approved by CC. Last update: 20 February 2004.