

NINETY-NINTH SESSION

Judgment No. 2479

The Administrative Tribunal,

Considering the fifth complaint filed by Mr A.F. against the International Atomic Energy Agency (IAEA) on 15 November 2004;

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

Having examined the written submissions:

CONSIDERATIONS

1. The complainant challenges a decision of 2 August 2004 by which the Acting Director General of the IAEA upheld a decision not to give effect to his appeals against alleged harassment by the Division Director of Concepts and Planning and against alleged discrimination and abuse of power by the Head of the Section for System Studies. He also rejected the complainant's request to appeal directly to the Tribunal. The complainant did not exhaust available internal remedies or launch or pursue an appeal of that decision before the Joint Appeals Board.
2. Even if the complaint were formally receivable, which it would appear not to be, it is clear that in substance it is without foundation and is an abuse of the Tribunal's process. On at least two previous occasions the complainant has made the same allegations in other complaints and the Tribunal has held them to be unfounded.
3. In Judgment No. 2325, delivered on 14 July 2004, the Tribunal stated:
"5. On the issue of alleged prejudice against the complainant by his Head of Section and his Division Director, there is likewise no persuasive evidence. The allegations have been carefully reviewed by the [Office of Internal Oversight Services] which found, as did the Joint Appeals Board, that all of them were unsubstantiated. It is not the role of this Tribunal to reweigh the evidence before the Joint Appeals Board unless it is shown that the latter has acted unreasonably or has committed some palpable and overriding error. There is no such showing here."
4. Those words were repeated by the Tribunal with regard to the same allegations in Judgment No. 2377, delivered on 2 February 2005.
5. The complaint is clearly devoid of merit and must be dismissed under 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 13 May 2005, Mr Michel Gentot, President of the Tribunal, Mr James K. Hugessen, Vice-President, and Ms Mary G. Gaudron, Judge, sign below, as do I, Catherine Comtet, Registrar.

Delivered in public in Geneva on 6 July 2005.

Michel Gentot

James K. Hugessen

Mary G. Gaudron

Catherine Comtet

Updated by PFR. Approved by CC. Last update: 14 July 2005.