

106th Session

Judgment No. 2813

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaint filed by Mr M. L. against the European Molecular Biology Laboratory (EMBL) on 9 January 2008 and corrected on 20 February 2008;

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

Having examined the written submissions and disallowed the complainant's application for hearings;

CONSIDERATIONS

1. The complainant, a British national born in 1965, states that he was employed at the EMBL from 1 October 2000 to 30 September 2003. He submits that during his work he was exposed to X-rays and that, consequently, he was taken ill and underwent surgery in September 2002. He asserts that the radiation levels to which he was exposed were higher than those permitted under German law and that he informed both his line manager and the relevant authorities accordingly. The complainant claims, *inter alia*, damages for his exposure to X-rays during his work at EMBL.

2. The Tribunal notes that, in accordance with Article VII, paragraph 1, of its Statute, “[a] complaint shall not be receivable unless the decision impugned is a final decision and the person concerned has exhausted such other means of resisting it as are open to him under the applicable Staff Regulations”. The complainant has not identified any decision that was to his detriment and that he could impugn. Further, there is nothing to show that he has exhausted the means of redress open to him within the EMBL. In these circumstances, the complaint must be dismissed as clearly irreceivable in accordance with the summary procedure provided for in Article 7, paragraph 2, of the Rules of the Tribunal.

DECISION

For the above reasons,
The complaint is dismissed.

In witness of this judgment, adopted on 6 November 2008, Ms Mary G. Gaudron, Vice-President of the Tribunal, Mr Giuseppe Barbagallo, Judge, and Ms Dolores M. Hansen, Judge, sign below, as do I, Catherine Comtet, Registrar.

Delivered in public in Geneva on 4 February 2009.

Mary G. Gaudron
Giuseppe Barbagallo
Dolores M. Hansen
Catherine Comtet