

111th Session

Judgment No. 3050

THE ADMINISTRATIVE TRIBUNAL,

Considering the third complaint filed by Mr S. S. against the International Labour Organization (ILO) on 12 April 2010;

Considering Articles II, paragraph 1, and VII, paragraph 1, of the Statute of the Tribunal and Article 7, paragraph 2, of its Rules;

Having examined the written submissions;

CONSIDERATIONS

1. The complainant joined the Organization as an Internal Auditor in 1999. From February 2004 to July 2007 he served as a Senior Personnel, Administrative and Finance Officer, at the P.4 level, in the ILO Regional Office for the Arab States in Beirut (Lebanon). Following a terrorist attack in Beirut on 13 June 2007, he was transferred back to headquarters in Geneva effective 1 August 2007. He was assigned to the same P.4 position in the Office of Internal Audit and Oversight that he had relinquished on being transferred to Beirut several years earlier.

2. The complainant claims that, due to his proximity to the 13 June 2007 bomb blast, he developed post-traumatic stress and a torn retina condition. On 30 November 2009 he filed a claim for

compensation under Article 8.3 of the Staff Regulations. On 4 February 2010 he met with the Organization's Medical Adviser, who acknowledged receipt of his claim and requested that he submit a note from his ophthalmologist confirming the cause of his injury. He submitted the requested note on 12 February. On 8 March the complainant again met with her and enquired about the status of his claim. On 10 March 2010 he received an e-mail from the Medical Adviser stating that any delay in processing his claim was mostly attributable to her and that she hoped to address his claim in the next few weeks. In his complaint, he asserts that since then he has received no further communications from the Organization regarding his claim.

3. As the Organization failed to take a decision within sixty days of the date on which he filed his compensation claim (30 November 2009) or within sixty days of the date on which he submitted further supporting evidence (12 February 2010), the complainant treats the lack of a decision as an implied decision to reject his claim, which he impugns directly before the Tribunal.

4. Article VII, paragraph 1, of the Statute of the Tribunal provides that a complaint is not receivable unless the internal means of redress have been exhausted. As the complainant has not shown that he has appealed the implied rejection of his compensation claim in accordance with the procedures set forth in the Staff Regulations, his complaint before the Tribunal is clearly irreceivable.

5. The complaint must therefore be dismissed 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 13 May 2011, Ms Mary G. Gaudron, 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 6 July 2011.

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