

118th Session

Judgment No. 3386

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaint filed by Mr A.B. S. against the Food and Agriculture Organization of the United Nations (FAO) on 4 July 2011;

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

Having examined the written submissions;

CONSIDERATIONS

1. In March 2008, the FAO appointed the complainant to a P5 post on a 12-month fixed-term contract that was subsequently extended on a number of occasions until early December 2010. In the interim, in the late summer of 2010, the complainant was informed that his post was being advertised. The complainant applied for and was shortlisted for the post but was not selected.

2. In February 2011, the complainant contacted the Administration to see if he had grounds on which to file a grievance. On 31 May, the Human Resources Division e-mailed him saying it had reviewed his file and found that there were no grounds on which

he could file a grievance. The complainant impugns this decision in the present complaint.

3. Article VII, paragraph 1, of the Tribunal's Statute expressly provides that a complaint is not 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". Even if it can be said that the 31 May e-mail constitutes an administrative decision within the meaning of Staff Rule 303.1.31, the complainant did not initiate the internal appeal process provided in the FAO Staff Rules.

4. As the complainant did not initiate an internal appeal process, he failed to exhaust the internal means of redress. The complaint is clearly irreceivable and must be dismissed in accordance with the summary procedure provided for in Article 7 of the Rules of the Tribunal.

DECISION

For the above reasons,
The complaint is summarily dismissed.

In witness of this judgment, adopted on 9 May 2014, Mr Giuseppe Barbagallo, President of the Tribunal, Ms Dolores M. Hansen, Judge, and Mr Michael F. Moore, Judge, sign below, as do I, Dražen Petrović, Registrar.

Delivered in public in Geneva on 9 July 2014.

GIUSEPPE BARBAGALLO
DOLORES M. HANSEN
MICHAEL F. MOORE
DRAŽEN PETROVIĆ