

**110th Session**

**Judgment No. 2998**

THE ADMINISTRATIVE TRIBUNAL,

Considering the application for review of Judgment 2653 filed by Mr A. M. on 6 October 2007;

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 seeks review of Judgment 2653, delivered on 11 July 2007. In that case, the Tribunal upheld a decision that the complainant was not entitled to an expatriation allowance and dismissed his complaint. In the proceedings that led to Judgment 2653, the complainant contended, by reference to his stays in the United States in the spring of 2000 and in Greece, his country of origin, in the summer of 2001, that he had not been continuously resident in Germany for more than three years when he took up his duties with the EPO.

2. The grounds on which the Tribunal may review a judgment are set out in Judgment 442, under 3, as follows:

“an omission to take account of particular facts; a material error, i.e. a mistaken finding of fact which, unlike a mistake in appraisal of the facts, involves no exercise of judgment; an omission to pass judgment on a claim; and the discovery of a so-called ‘new’ fact, i.e. a fact which the complainant discovered too late to cite in the original proceedings.”

An application for review will not be granted unless the matter relied upon as a ground for review is such as to affect the Tribunal’s decision.

3. Although the complainant now seeks an oral hearing in which to call evidence, he advances no new fact that could not have been discovered when he brought the original proceedings. Instead, he raises the same facts as were raised in his original complaint and seeks to lead evidence as to the circumstances of his stays in the United States and Greece. However, this evidence, even if accepted, would do no more than challenge the Tribunal’s appraisal of the facts. That is not a ground for review. Further, he does not point to any omission or material error on the part of the Tribunal. In these circumstances, the application for review must be dismissed in accordance with the summary procedure provided for in Article 7 of the Rules of the Tribunal. That being so, the application for an oral hearing is also dismissed.

## DECISION

For the above reasons,

The application is dismissed.

In witness of this judgment, adopted on 11 November 2010, Ms Mary G. Gaudron, President of the Tribunal, Mr Seydou Ba, Vice-President, and Mr Claude Rouiller, Judge, sign below, as do I, Catherine Comtet, Registrar.

Delivered in public in Geneva on 2 February 2011.

Mary G. Gaudron  
Seydou Ba  
Claude Rouiller  
Catherine Comtet