

Organisation internationale du Travail  
*Tribunal administratif*

International Labour Organization  
*Administrative Tribunal*

**G. (A.)**

**v.**

**FAO**

(Application for review)

**128th Session**

**Judgment No. 4175**

THE ADMINISTRATIVE TRIBUNAL,

Considering the application for review of Judgment 3932 filed by Ms A. A. A. M. G. on 10 May 2018, the reply of the Food and Agriculture Organization of the United Nations (FAO) of 27 August, the complainant's rejoinder of 27 October and the FAO's surrejoinder of 20 December 2018;

Considering Articles II, paragraph 5, and VI, paragraph 1, of the Statute of the Tribunal;

Having examined the written submissions;

#### CONSIDERATIONS

1. Judgment 3932 concerned the non-renewal of the complainant's appointment for unsatisfactory performance. The complainant seeks a review of Judgment 3932 on the ground that, although the Tribunal "commented upon some of the issues [raised] in [her complaint,] it did not consider them". The issues identified by the complainant pertain to compensation for medical related costs; a service-incurred disorder; the Appeals Committee's erroneous conclusions regarding the settlement of her sick leave entitlements and her participation in the United Nations Joint Staff Pension Fund (UNJSPF); a dispute with the FAO regarding one of its contributions to the UNJSPF; her home leave entitlements and a deduction of 3,000 United States dollars from her separation

payments; and matters surrounding her transfer to a P-3 post in Harare, Zimbabwe. She also seeks an increase in the award of costs made in Judgment 3932.

2. It is well settled that the Tribunal's judgments are final and carry the authority of *res judicata*. They may be reviewed only in exceptional circumstances and on strictly limited grounds. The only admissible grounds therefor are a failure to take account of material facts, a material error (in other words, a mistaken finding of fact involving no exercise of judgement, which thus differs from misinterpretation of the facts), an omission to rule on a claim, or the discovery of new facts on which the complainant was unable to rely in the original proceedings. Moreover, the pleas or grounds on which review is sought must be likely to have a bearing on the outcome of the case. On the other hand, pleas of a mistake of law, failure to admit evidence, misinterpretation of the facts or omission to rule on a plea afford no grounds for review (see, for example, Judgments 3001, consideration 2, 3452, consideration 2, 3473, consideration 3, 3634, consideration 4, 3719, consideration 4, and 3897, consideration 3).

3. As stated in consideration 1 of Judgment 3932, in addition to her claim regarding the non-renewal of her appointment the complainant also advanced a number of other claims. At consideration 15 of that judgment, the Tribunal observed that "the disputes surrounding the complainant's sick leave and annual leave entitlements and related issues were resolved prior to the filing of the [...] complaint". As well, at consideration 28 in Judgment 3932, the Tribunal concluded that "[t]he claims in relation to sick leave, annual leave, pension contributions and medical expenses have either been settled or are beyond the scope of the present complaint". Accordingly, the complainant's assertion that certain claims were not considered is rejected. The complainant's assertions also appear to be attempts to re-litigate those matters. As to the service-incurred disorder and the transfer to the P-3 post in Harare, no claims in this regard were advanced in the complaint leading to Judgment 3932. As to the award of costs, the complainant's disagreement with the amount of the award is not a ground on which a judgment is subject to review. It follows that the complainant's application for review will be dismissed.

DECISION

For the above reasons,

The application for review is dismissed.

In witness of this judgment, adopted on 23 May 2019, Ms Dolores M. Hansen, Judge presiding the meeting, Mr Michael F. Moore, Judge, and Sir Hugh A. Rawlins, Judge, sign below, as do I, Dražen Petrović, Registrar.

Delivered in public in Geneva on 3 July 2019.

DOLORES M. HANSEN

MICHAEL F. MOORE

HUGH A. RAWLINS

DRAŽEN PETROVIĆ