

# STATUTE OF THE ADMINISTRATIVE TRIBUNAL

## Article VI

### Admissibility of the Complaint

1. The Tribunal shall admit a complaint only:
  - a) When the person concerned has exhausted the procedures provided in the General Standards or in other existing provisions, and the Secretary General has made the corresponding final decision;
  - b) When the procedures referred to in the preceding paragraph have not been exhausted, but the interested party and the Secretary General agree that the case should be presented to the Tribunal; and
  - c) When the situation contemplated in paragraph 3 of this article occurs.
2. For the complaint to be admissible, the person concerned must file it within ninety days after the date on which he was notified of the final decision of the Secretary General that is being contested. For the employees who serve away from headquarters, the period during which a complaint may be filed shall be one hundred and twenty days. In such case, the date of filing of the complaint shall be the date appearing on the postmark of the Post Office in which it was deposited.
3. If the Secretary General fails to make a final decision within thirty days following the date on which the procedures provided for in subparagraph (a) of paragraph 1 of this article have been completed, the interested party may have recourse to the Tribunal and his complaint shall be admissible as if such a decision had been taken. The same criterion shall apply during the reconsideration phase stipulated in the Staff Rules, if the Secretary General fails to comply with the regulatory periods stipulated for setting up a Joint Advisory Committee on Reconsideration, or if said Committee was set up, but it did not make its recommendations in time. In both cases, the interested party may have recourse to the Tribunal within 30 days following the date on which the omission or delay of the Secretary General occurred.
4. In exceptional cases, and for reasons that should be explained in the judgment, the Tribunal may admit a petition even if it is presented after the period of ninety or one hundred and twenty days provided for in the two preceding paragraphs.
5. The filing of a complaint shall not have the effect of suspending implementation of the decision contested.

6. Complaints may be filed in any of the four official languages of the Organization of American States.
7. Before admitting the complaint of a person who is not a staff member, the Tribunal shall require that person to submit a filing fee, a bond, or other legally enforceable security equivalent to one month's remuneration (salary and post adjustment) at the P-4, step 6 level on the "with dependent" salary scale for headquarters, unless the Secretary General has expressly waived the reconsideration requirement, or unless a Reconsideration Committee or other formal conciliatory organ constituted by the Secretary General to advise him on the matter has found by a majority vote of its members that the person's claims are meritorious, or unless the Secretariat has failed to respond to a request for a hearing and request for reconsideration presented by the complainant in accordance with the requirements under the Staff Rules and other dispositions of the General Secretariat. Nonetheless, if the person is a former staff member, the amount so required will be the lesser of the former staff member's last full monthly remuneration (salary plus post adjustment) or one month's remuneration (salary and post adjustment) at the P-4, step 6 level on the "with dependent" salary scale for headquarters.