

Organisation internationale du Travail
Tribunal administratif

International Labour Organization
Administrative Tribunal

*Registry's translation,
the French text alone
being authoritative.*

T. (No. 2)

v.

Interpol

140th Session

Judgment No. 5017

THE ADMINISTRATIVE TRIBUNAL,

Considering the second complaint filed by Ms V. T. against the International Criminal Police Organization (Interpol) on 26 October 2021 and corrected on 6 December 2021, Interpol's reply of 4 May 2022, the complainant's rejoinder of 23 September 2022 and Interpol's surrejoinder of 16 January 2023;

Considering the additional documents and information submitted by Interpol on 17 February 2025 in response to requests for further submissions from the President of the Tribunal;

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

Having examined the written submissions and decided not to hold oral proceedings, for which neither party has applied;

Considering that the facts of the case may be summed up as follows:

The complainant considers that she was deprived of her duties as a result of a restructuring and seeks compensation for the injury she alleges she suffered on account of what she regards as a *de facto* termination of her appointment.

On 1 March 2007 the complainant joined the Organization at its Headquarters in Lyon, France, as Assistant Director for the Human Resources Management Sub-Directorate, on a three-year fixed-term

contract. Her appointment was confirmed in February 2008 and converted to an indeterminate appointment in July 2009.

In late 2015, it was decided, as part of a restructuring and staff redeployment process, that human resources should become a directorate in its own right. From January 2016, internal exchanges – to which the complainant was copied in – took place concerning the creation of the post of director of the new directorate. A study was carried out during 2016 by a group of experts, which confirmed the need to create a directorate with a vision and management of the human resources function that were more strategic than operational. The Strategic Management Board made recommendations to the Secretary General along the same lines.

The post of Director of the Human Resources Directorate was eventually advertised at the beginning of 2017, but the complainant did not apply, considering that the post “put a welcome distance between her and the Executive Director [for Resource Management, Mr G.-K., under whose authority she worked,] who did not think much of her and did not hesitate to show it”*. In May 2017, during her performance assessment, she was informed that her duties were to be redefined and modified to align with those of the future Director. An organisation chart showing the new internal structure was published on 4 July 2017 and included the complainant’s post of Assistant Director.

The person ultimately selected to hold the post of Director, Ms C., took up her duties on 14 August 2017 and was tasked with devising a new structure for the new directorate. She held discussions with the various heads of department, with the exception of the complainant, who was on sick leave during this period.

On 7 September 2017 the complainant returned to part-time work on health grounds. As soon as she got back, she spoke to Ms C., who assigned her three matters to deal with. A further meeting took place on 20 September 2017, during which the complainant’s duties were discussed. On 22 September 2017 Ms C. sent her an email stating that one of the matters she had been assigned, the change of supplementary

* Registry’s translation.

social security provider, had become a priority and that she should therefore take the necessary steps to deal with it quickly. On 28 September 2017 the complainant sent Ms C. a report in which she listed the tasks carried out up to that point, as well as a timeline of the steps to be taken to deal with the matter in question.

From 30 September to 30 October 2017, the complainant was placed on sick leave, then from 31 October to 3 November 2017, she took annual leave.

When she returned to work on 6 November 2017, she had a meeting with Ms C., during which the latter reminded her that dealing with the change of supplementary social security provider was a priority. On 8 November 2017 the complainant sent an update on the matter, to which Ms C. replied that she wished to receive an update on the full work programme. The following day, the complainant had a meeting with the Executive Director for Resource Management, Mr G.-K., during which she stated that the situation within the new directorate was “alarming”*. On 10 November 2017 she wrote again to Ms C. about the abovementioned matter. She stated that she did not have an update to give but had simply followed up the actions to be taken. Ms C. replied that this was unfortunate, reminded her of the urgency of the matter, and set a new deadline for completion.

On 13 November 2017 – while the complainant was on sick leave up until and including 14 November – a new organisation chart was published. Her post appeared in Ms C.’s Support Office. On 15 November 2017 she was informed that she was no longer in charge of the change of supplementary social security provider.

On 16 November 2017 – on the same day as she had sent the Secretary General two complaints of moral harassment against Mr G.-K. and Ms C. – the complainant attended a meeting with the two alleged harassers, during which her duties within, or possibly outside, the new Human Resources Directorate were discussed and she was offered an amicable separation. On 21 November 2017 her counsel submitted her terms of amicable separation to Mr G.-K. The following

* Registry’s translation.

day, the Secretary General met the complainant to discuss her harassment complaints and offer her mediation. A further meeting took place on 24 November 2017, during which she was informed that two inquiries had been opened into her allegations of harassment.

The complainant was on sick leave from 30 November to 13 December 2017. In the meantime, on 6 December the Office of Legal Affairs had acknowledged receipt of her counsel's email of 21 November and informed him that the opening of the inquiries had rendered any compromise moot. He was also requested to refrain from any communication with Mr G.-K. as the alleged harasser.

On 12 December 2017 the complainant submitted a claim to the Secretary General challenging what she regarded as a *de facto* termination of her appointment resulting from the "reclassification of [her] post, its advertisement and the appointment made at the end of that procedure, or the suppression of [her] post and the creation of the post of Human Resources Director and the appointment made to that post, or the removal of [her] duties or the essential substance thereof". She requested compensation for the injury she considered she had suffered.

On 14 December 2017 the Secretary General met the complainant to discuss her allegations of harassment and to inform her that she was now under his direct authority and no longer reported to Mr G.-K. or Ms C. He also granted her request for annual leave from 18 December 2017 to 12 January 2018 and invited her to consider two temporary assignment proposals – as Acting Head of the Confidentiality Desk or as Technical Advisor in the Project Management Office – while the investigations into her two harassment complaints were conducted.

By a letter of 22 December 2017 responding to the claim of 12 December 2017, the Secretary General explained to the complainant that her post – which was quite distinct from that of Ms C. – had not been abolished, reclassified or divested of its substance, but that her duties had been redefined as a natural consequence of the creation of the new Human Resources Directorate. The Secretary General also

* Registry's translation.

stated that it had not been possible to amend her job description when Ms C. took up her duties because of her absences, which had prompted her superiors to take managerial action.

On 16 January 2018 the complainant was informed of the Secretary General's decision to appoint two investigators to look into her allegations of harassment and to assign her temporarily and with immediate effect to the post of Technical Advisor in the Project Management Office.

On 20 February 2018 the complainant lodged an internal appeal against the rejection of her claim of 12 December 2017. She asserted that, as a result of the creation of Ms C.'s post, her duties had been removed from her and her post had been divested of its substance, which she regarded as amounting to dismissal. She claimed full compensation for the injury she had allegedly suffered.

On 8 August 2018 she brought to the attention of the Joint Appeals Committee two additional documents which, in her view, were relevant to the consideration of her appeal. These were, firstly, the Secretary General's decision of 3 July 2018 rejecting her harassment complaints and informing her of the decision to end her temporary assignment to the Project Management Office and to place her on compulsory leave for a short period in order to resume consideration of the adjustment of her duties which had been interrupted in November 2017 and, secondly, the executive head's decision of 31 July 2018 to abolish her post.

During its examination of the appeal, the Joint Appeals Committee received four other appeals lodged by the complainant between 1 September 2018 and 17 April 2019, concerning respectively the dismissal of her harassment complaints against Mr G.-K. and Ms C., her placement on compulsory leave, the decision to abolish her post of Assistant Director for the Human Resources Management Sub-Directorate, the rejection of the complaint of institutional harassment she had lodged on 31 October 2018, and the Secretary General's decision of 18 February 2019 terminating her appointment, which also concerned the settlement of her pension entitlements.

Having noted the similarity of the issues involved, the Joint Appeals Committee decided to join the five appeals. In the single opinion it issued on 1 April 2021, it recommended that the appeal of 20 February 2018 be rejected as unfounded. It considered that the Organization could take internal restructuring measures and that it had complied with its own internal rules, as well as the Tribunal's case law on the matter.

By a letter of 28 July 2021, concerning the appeals dealt with by the Committee other than those relating to the three harassment complaints, the complainant was informed of the Secretary General's decision to follow that recommendation and consequently to reject her appeal of 20 February 2018. That is the decision impugned in the present case.

The complainant asks the Tribunal to set aside the part of the impugned decision relating to her appeal of 20 February 2018, as well as the decision of 22 December 2017 rejecting her claim of 12 December, and "the initial decision to divest the post of Assistant Director for [the] Human Resources [Management Sub-Directorate] of its substance or to deprive her of her duties"* . She also seeks compensation for the moral injury she considers she has suffered, which she assesses at a minimum of 80,000 euros, for "discriminatory, malicious and humiliating treatment, which was very destabilising and considerably damaged her health at a time when it was already weak"* , as well as compensation of 29,000 euros for the length of the internal appeal procedure, and an award of 8,000 euros in costs.

Interpol asks the Tribunal to dismiss the complaint as unfounded.

CONSIDERATIONS

1. Following, firstly, a restructuring process leading to the creation of a new Human Resources Directorate and a new post of Director at the beginning of 2017 and, secondly, the new Director's

* Registry's translation.

assumption of her duties on 14 August 2017, the complainant, who had held the post of Assistant Director for the Human Resources Management Sub-Directorate before the Directorate was established, lodged five internal appeals between 20 February 2018 and 17 April 2019. These led to a single opinion of the Joint Appeals Committee issued on 1 April 2021, two decisions of the Secretary General of 28 July 2021 and eight complaints filed with the Tribunal on 26 October 2021.

2. These eight complaints relate respectively to the following:

- (i) what the complainant describes as the decision to divest her post of its substance and deprive her of her duties, which was taken in December 2017 (second complaint);
- (ii) the decision of 3 July 2018 to place her on compulsory leave (third complaint);
- (iii) the decision to abolish her post, notified on 31 July 2018 (fourth complaint);
- (iv) the decision of 2 November 2018 to terminate her appointment (fifth complaint);
- (v) the decision to settle her pension entitlements following the termination of her appointment (sixth complaint);
- (vi) the decision to reject her complaint of moral harassment against the Executive Director for Resource Management, Mr G.-K., taken on 3 July 2018 (seventh complaint);
- (vii) the decision to reject her complaint of moral harassment against the Human Resources Director, Ms C., also taken on 3 July 2018 (eighth complaint); and
- (viii) the decision to reject her complaint of institutional harassment, taken on 28 December 2018 (ninth complaint).

3. The complainant's five internal appeals leading to these eight complaints concerned the following:

- (i) The first appeal, dated 20 February 2018, was directed against the initial decision of 22 December 2017 rejecting the claim of 12 December, which sought to challenge what the complainant regarded as a deprivation of her duties resulting in the *de facto* termination of her appointment. It is the rejection of that appeal which is impugned in the present complaint.
- (ii) The second appeal, dated 1 September 2018, was directed against the decision of 3 July 2018 concerning, firstly, the complainant's placement on compulsory leave and, secondly, the dismissal of her two complaints of moral harassment against Mr G.-K. and Ms C. That appeal is the subject of her third, seventh and eighth complaints.
- (iii) The third appeal, dated 27 September 2018, was directed against the decision of 31 July 2018 to abolish the former post of Assistant Director for the Human Resources Management Sub-Directorate and is the subject of the fourth complaint.
- (iv) The fourth appeal, dated 26 February 2019, was directed against the decision of 28 December 2018 dismissing the complaint of institutional harassment, which is the subject of the ninth complaint.
- (v) Finally, the fifth appeal, dated 17 April 2019, was directed against the decision of 2 November 2018 to terminate the complainant's appointment and to settle her pension entitlements, the request for review of which was rejected on 18 February 2019. The rejection of that appeal is the subject of the fifth and sixth complaints.

4. Furthermore, although the Joint Appeals Committee issued a single opinion on these five internal appeals on 1 April 2021, the content of this opinion clearly indicates that the various appeals were dealt with and examined separately, with individual conclusions being reached for each of them. As regards the Secretary General's two decisions of 28 July 2021 adopted following this opinion, it appears that the first concerned the internal appeals relating to the termination of the

complainant's appointment, while the second was confined to the appeals relating to her three harassment complaints.

5. In its reply, the Organization asks the Tribunal to consider the possibility of joining the eight complaints on the grounds that the complainant's internal appeals were themselves joined by the Joint Appeals Committee, that in the present case there has been an "artificial multiplication of cases"* by the complainant and that such a joinder would allow the costs and sitting fees for each case, which would be substantial for the Organization, to be avoided.

6. The Tribunal observes at the outset that, in each of her eight complaints, the complainant raises a long series of alleged flaws affecting the internal appeal proceedings. Most of these flaws are always the same, so that, from this point of view, the written submissions are sometimes identical and repeated from one complaint to the next.

The Tribunal also notes that the claims made in the eight complaints overlap in several respects. Thus, in each complaint, the complainant claims, in particular, compensation for the moral injury she considers she has suffered as a result of various types of damage (particularly to her dignity and reputation) ranging from 20,000 to 90,000 euros at least and totalling no less than 450,000 euros for all the complaints, compensation for what she regards as the excessive length of the internal appeal procedure ranging from 15,000 to 29,000 euros and totalling no less than 167,000 euros for all the complaints, and costs of 8,000 euros for each case brought before the Tribunal, totalling 64,000 euros.

In four of her complaints, the complainant further seeks additional compensation for moral injury, which she quantifies at a minimum of 30,000 euros, on account of Interpol's "improper reporting of her [counsel]" to the professional bodies to which he belongs, totalling at least 120,000 euros under this head, and a final award of moral damages on account of the allegedly improper or unfair nature of the internal

* Registry's translation.

appeal procedure followed, which varies from 15,000 to 30,000 euros at least depending on the complaint, totalling 105,000 euros.

It goes without saying that, insofar as most of these numerous awards of compensation relate to a single injury, which cannot be distinguished or dissociated between complaints, the fact that they are sought in eight different complaints does not benefit the complainant. This is because the same claims may not be twice submitted to the same instance (see Judgment 725, consideration 4). It follows that a complainant is not entitled to make the same claims in separate proceedings. The Tribunal adds that claiming amounts of this magnitude, cumulatively and repeatedly despite their sometimes obvious overlap, is not likely to enhance the credibility of the claims made (see, to this effect, Judgment 4832, consideration 55).

7. Under the Tribunal's settled case law, the decisive criterion for joining complaints is generally that they raise the same or similar questions of law or fact, and it is not sufficient that they stem from the same continuum of events (see, for example, Judgments 4961, consideration 2, 4844, consideration 2, and 4753, consideration 6). The Tribunal has also made it clear that the cost of multiple judgments to an organisation has no role to play in the exercise of its discretion to join complaints (see Judgments 4844, consideration 2, and 4822, consideration 4).

In the present case, the Tribunal notes that several of the decisions challenged in the eight abovementioned complaints are indisputably linked. Nevertheless, with the exception of the seventh and eighth complaints, which concern the two complaints of moral harassment submitted by the complainant on the same day, in relation to which she acknowledges that the two cases are closely linked in terms of both questions of law and of fact, the Tribunal considers that the issues involved in the other complaints are distinct, that they stem from circumstances that require individual examination, and that they present different substantive questions to be decided.

The Tribunal considers that these different cases must therefore be dealt with separately and an individual judgment given for each of them. It is irrelevant in this respect that the Joint Appeals Committee, acting within its own prerogative, decided it appropriate to join the five internal appeals that had been referred to it and to deliver a single opinion on them.

It follows that the Tribunal will not order the joinder of the complaints, with the exception of the seventh and eighth. However, where necessary, it will refer to the other judgments in this series of cases in order to avoid inappropriate overlap and unnecessary repetition.

8. In the present complaint, the complainant impugns the Secretary General's decision of 28 July 2021 by which he informed her that he had decided to follow the unanimous recommendation issued by the Joint Appeals Committee on 1 April 2021 and to reject her internal appeal of 20 February 2018, which was directed against the executive head's earlier decision of 22 December 2017. In the latter decision, he had expressly refuted the complainant's assertion, made in her claim of 12 December 2017, that "it [had] been decided to suppress [her] post, or to reclassify it at grade 1 [...], or [...] to divest it almost completely of its substance"* , which implied and had to be construed as a *de facto* termination of her appointment.

In essence, the complainant puts forward five pleas in support of her complaint and alleges that, by 12 December 2017, it had already been decided to terminate her appointment. These pleas relate to, firstly, multiple flaws which allegedly affected the internal appeal procedure, secondly, an alleged lack of authority in the adoption of the contested decision, thirdly, an alleged procedural defect relating to the failure to consult the Workforce Mobility Committee, fourthly, an alleged breach of the principle of transparency and impartiality and, fifthly, an alleged breach of her right to be heard. The complainant therefore seeks compensation in full for the moral injury she considers she has suffered, assessed at a minimum of 80,000 euros, in addition to the sum of 29,000 euros for the delay in dealing with her internal appeal.

* Registry's translation.

9. The central premise of the complainant's reasoning in her second complaint can be summarised as follows. On 12 December 2017, when she submitted her claim, she had been subjected to what she described as a *de facto* termination of her appointment owing to the "reclassification of [her] post, its advertisement and the appointment made at the end of that procedure, or the suppression of [her] post and the creation of the post of Human Resources Director and the appointment made to that post, or the removal of [her] duties or of the essential substance thereof". In her internal appeal of 20 February 2018, she reiterated that, in her view, her situation amounted to dismissal since her duties had been removed from her and her post had become an "empty shell".

10. The Tribunal considers that, in view of the reality of the situation at the time when the complainant lodged her claim on 12 December 2017, this premise is not established. The file shows that, on 22 December, the Secretary General formally indicated to the complainant that her post had not been abolished, reclassified or divested of its substance. Notwithstanding the complainant's assertion that such was nonetheless the case, the written submissions and the evidence in file do not support the veracity of that statement, which, moreover, Interpol immediately and categorically denied.

In this regard, the Tribunal notes that the file shows instead that, at the time, discussions had taken place between the Director of the new Human Resources Directorate, Ms C., and the complainant regarding the foreseeable redefinition and modification of her duties resulting from the implementation of the new structure. In addition, the complainant's name and post appeared in at least two organisation charts, dated 13 November and 5 December 2017, as being assigned to Ms C.'s Support Office. While a redefinition of her duties was undoubtedly expected following the creation of the new post of Director of the Human Resources Directorate – a post for which she had chosen not to apply – no decision to this effect had yet been taken by the Organization by 12 December 2017.

* Registry's translation.

The Tribunal further notes that the complainant's performance assessment report completed in May 2017 specifically stated that her Terms of Assignment would be reviewed and modified following the arrival of the new Director of the Human Resources Directorate. However, in view of the fact that she was absent on sick leave or annual leave for more than half of the period between 14 August 2017, the date on which Ms C. took up her duties, and 12 December 2017, the date on which the claim was lodged, little progress had been made on this matter by autumn 2017.

Moreover, it appears from the complainant's multiple complaints to the Tribunal that her post was not in fact explicitly abolished until several months later, on 31 July 2018, which gave rise to another internal appeal, lodged on 27 September 2018, the rejection of which was impugned in the fourth complaint, which is the subject of Judgment 5019, also delivered this day. It goes without saying that the complainant's post cannot have been abolished two times, firstly implicitly and then explicitly, several months apart.

11. The Tribunal also notes that the complainant's allegation that her appointment had been *de facto* terminated when she lodged her claim on 12 December 2017 is no more convincing.

It is clear from the file that the actual termination of the complainant's appointment took place by decision of the Secretary General of 2 November 2018, and it is difficult to see how the same appointment could have been terminated on two occasions, almost a year apart.

In that regard, as the Organization rightly points out, the complainant's argument seems to be based on the assumption that she had been subjected to a form of "constructive dismissal"* as early as 12 December 2017. However, the Tribunal's case law refers to the concept of "constructive dismissal" to indicate that an employer has acted in a manner inconsistent with the further maintenance of the employment relationship entitling the employee, if she or he so elects,

* Registry's translation.

to treat the employer's actions as terminating the employment (see, for example, Judgments 4665, consideration 6, 4383, consideration 15, and 2435, consideration 17), which was not the case here.

Suffice it to recall on this point that, on 24 November 2017, the complainant had a meeting with the Secretary General, during which she was informed of his decision to open two inquiries into the complaints of moral harassment that she had lodged against the Executive Director for Resource Management, Mr G.-K., and Ms C. At a further meeting on 14 December 2017, the executive head invited her to consider two temporary assignment proposals while her harassment complaints were being investigated, then on 16 January 2018 he notified her of his decision to appoint two investigators to look into her allegations of harassment and to temporarily assign her with immediate effect to the post of Technical Advisor in the Project Management Office. The complainant held that post for several months and continued to receive the pay and benefits associated with her indeterminate appointment after 12 December 2017. Interpol's conduct towards the complainant does not therefore reflect an intention to terminate her appointment as early as December 2017, quite the opposite.

12. Since this central premise of the complainant's reasoning is unfounded, her second, third, fourth and fifth pleas must be dismissed.

Thus, the lack of authority alleged on the grounds that the contested decision was not in fact taken by the Secretary General, besides being unsupported by the evidence in the file, is misconceived, since no implicit decisions had been made to abolish the complainant's post and terminate her appointment by 12 December 2017. The same applies to the argument that the Workforce Mobility Committee was not consulted, which, because of this absence of decisions, is likewise misconceived. Furthermore, failing to provide reasons for or notification of an implicit decision that does not exist cannot constitute a breach of the requirement for transparency or of the principle of impartiality, nor can it constitute a breach of the complainant's right to be heard prior to such a non-existent decision.

These four pleas are therefore unfounded.

13. As regards the plea alleging flaws in the internal appeal procedure, in the first place the complainant calls into question compliance with the time limit of ten working days within which the Secretary General must refer the matter to the Joint Appeals Committee. However, in addition to the fact that the complainant does not even formally submit in her written submissions that this time limit was breached, the Tribunal notes that this objection cannot, in any event, constitute a substantial error such as to render unlawful the procedure followed. Such time limits are not intended to have the effect of nullifying a decision taken after their expiry and their non-observance does not therefore render such decisions unlawful, but may only entitle the staff member concerned to compensation where that non-observance is wrongful and causes actual injury to her or him, which it falls to her or him to establish (see Judgments 4584, consideration 4, 4408, considerations 5 and 6, or 2885, consideration 14).

In the second place, the complainant considers that the Committee's composition was unlawful because two of its members held a grade lower than hers. However, as the Organization rightly points out, Staff Rule 10.2.2 provides only that, "as far as possible", two of the three members must hold a grade equal to or higher than that of the official concerned. The Organization has explained and justified why, owing to the complainant's seniority, it was unable to convene a committee including two members of a grade at least equal to hers. As the complainant does not dispute the accuracy of the Organization's statements on this matter, this objection must in any event be dismissed.

In the third place, the complainant's objections to the Committee's alleged unlawful chairmanship, concerning which she does not specify how it harmed her interests in practice, and the Committee's decision to join the five internal appeals, do not demonstrate that the procedure was paralysed as a result, nor that her right to an effective internal appeal was breached in any other way.

In the fourth place, it is clear from the single opinion issued on 1 April 2021 that the Organization's alleged failure to comply with the Joint Appeals Committee's requests for documents and information had no impact on the complainant's right to an effective internal appeal.

Firstly, the Committee does not mention such an omission, which the complainant does not establish before the Tribunal. Secondly, the correspondence to which the complainant refers in her written submissions relates to documents which appear to have been in the Committee's possession when it delivered its opinion as it mentions at least some of them in its assessment. Lastly, the complainant was given the opportunity to submit her detailed observations to the Committee, which carried out a thorough and meticulous examination of the parties' arguments and claims.

In the fifth place, the Tribunal observes that the Committee's alleged failure to observe the requirement of impartiality is not supported by any evidence. In Judgment 4842, consideration 4, the Tribunal recalled that its settled case law has it that the complainant bears the burden of proving a lack of impartiality on the part of one or several members of an internal appeals body. Mere suspicions and allegations unsupported by tangible evidence are plainly insufficient to establish a lack of impartiality (see also Judgments 4662, consideration 13, and 4553, consideration 7).

Lastly, in the sixth place, as regards the complainant's criticism that the Committee did not deal with her appeal promptly, the Tribunal recalls its well-established case law that the time taken by such a body to deliver its opinion does not have in itself a bearing on the lawfulness of the decision taken in the light of that opinion (see, for example, Judgment 4662, consideration 12).

It follows that the first plea is unfounded and must be dismissed.

14. Lastly, although the complainant appears to complain of discriminatory treatment, she does not, in any event, provide any concrete evidence in support of this allegation.

15. It follows from the foregoing that the impugned decision is not unlawful in any respect and that the claims for compensation based on its alleged unlawfulness must therefore be dismissed.

16. As regards the length of the internal appeal procedure, for which the complainant claims moral damages in the amount of 29,000 euros, it is the Tribunal's settled case law that officials are entitled to have their appeals examined with the necessary speed, in particular having regard to the nature of the decision which they wish to challenge (see, for example, Judgments 4992, consideration 22, 4660, consideration 24, 4457, consideration 29, or 4063, consideration 14).

In the present case, the time that elapsed between the lodging of the claim on 12 December 2017 and the adoption of the impugned decision on 28 July 2021 seems excessive in absolute terms. However, in view of the fact that, as stated above, the contested decision did not really exist, the fact that there was a delay in deciding on the appeal against it did not, in this case, cause any injury to the complainant.

17. It follows from all the foregoing that the complaint must be dismissed in its entirety.

DECISION

For the above reasons,

The complaint is dismissed.

In witness of this judgment, adopted on 19 May 2025, Mr Patrick Frydman, President of the Tribunal, Mr Jacques Jaumotte, Judge, and Mr Clément Gascon, Judge, sign below, as do I, René M. Vargas M., Registrar.

Delivered on 3 July 2025 by video recording posted on the Tribunal's Internet page.

(Signed)

PATRICK FRYDMAN JACQUES JAUMOTTE CLEMENT GASCON

RENÉ M. VARGAS M.