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Einschreiben mit Rückschein

Ms A. Koch



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Date:

18. 09. 14

Internal Appeals RI/86/07, 89/07, 140/10, 31/11

Dear Ms Koch,

Please be informed that the opinions of the Internal Appeals Committee (IAC) in the aforementioned cases have been duly considered. Copies thereof are attached.

I would like to inform you of the decision I have taken, by delegation of power from the President of the Office, as follows:

RI/86/07

In accordance with the majority opinion of the Appeals Committee I have decided to reimburse upon proof any reasonable legal costs incurred for the specific appeal and to pay you EUR 2.000 for the delay in finalising the new staff report for 2002/2003. This amount is considered as fully commensurate to the circumstances of the case, i.e. the facts that no extensive changes were necessary and that your career was not negatively affected, as well as to the relevant case law. Furthermore, although the Office's intentions when communicating the Ombudsman's report together with the President's final decision are not put into doubt and no damage was caused in the case, it is hereby acknowledged that this was not in compliance with the procedure foreseen by the applicable Article 11 (4) of Circular No. 286. All other claims are rejected in accordance with the Appeals Committee's unanimous opinion.

RI/89/07

The Office has decided to endorse the unanimous recommendation of the Appeals Committee and to remove the old signature pages from the amended report for 2002/2003 and submit this "clean" report to the Promotion Board. As regards the questions of communicating the result of the Ombudsman procedure to third parties and of imposing a disciplinary measure on your former Director, the Office is of the opinion that the former is not in line with Article 3 (3) of Circular No. 286, while the latter decision is not obligatory for the Office but it

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rather lies in its discretion after weighing all relevant aspects. Your claims in this regard are therefore rejected as unfounded. As regards your request for moral damages, this is also rejected in view of your clear and repeated refusals to cooperate with the Office in re-drafting your staff report earlier.

RI/140/10

In accordance with the unanimous and majority opinion of the Appeals Committee the Office has decided that after more than six years it is now too late to investigate properly your mobbing allegations. However, contrary to the minority opinion, it is considered the Appeals Committee is not the proper forum for the investigation of such allegations. On this point I also wish to underline that it was your own decision to reject the involvement of the appointed Ombudsman and refer the case to the Appeals Committee instead. The harassment and appeals procedures are not interchangeable and the Office bears no liability for the fact that such investigation is not possible any more. Your respective claims, as well as those for moral damages, are thus hereby rejected as unfounded. Your third request for protection against possible harassment in the future is rejected as irreceivable in accordance with the Appeals Committee's majority opinion.

RI/31/11

Finally, as regards your appeal against your staff report for 2008/2009, the Office endorses the unanimous opinion of the Appeals Committee concerning the aspect "aptitude", and your report will therefore be remitted to the reporting officer for a re-assessment in accordance with the Appeals Committee's findings (para. 30). Likewise, the reporting officer will be requested to update the list of your main duties pursuant to para. 33 of the said opinion. All other request concerning your staff report, especially your allegations of bias on behalf of your reporting officer, are hereby rejected as unfounded in accordance with the majority opinion.

Yours sincerely,



Ž. Topic  
Vice-President DG4

cc: D 5.3.2  
IAC Secretariat