

Decision of the European Ombudsman on complaint 491/2000/ADB against the European Commission

Decision

Case 491/2000/ADB - Opened on 22/05/2000 - Decision on 24/11/2000

Strasbourg, 24 November 2000 Dear Mrs G., On 7 April 2000, you lodged a complaint with the European Ombudsman concerning your dismissal by the Delegation of the European Commission in Tchad. On 22 May 2000, I forwarded the complaint to the President of the European Commission. The European Commission sent its opinion on 21 September 2000 and I forwarded it to you with an invitation to make observations, if you so wished. I did not receive any observations from you. I am writing now to let you know the result of the inquiries that have been made.

THE COMPLAINT

The complainant is French. She worked as an accountant for the Delegation of the European Commission in Tchad with a local agent contract since 1/11/1988. In 1998, the complainant first received a disciplinary warning and then was dismissed in March 1999. She allegedly lost some documents, and her hierarchy suspected her of having tight relations with a company participating in call for tenders for European Development Fund contracts. The complainant disagreed with the reasons and the conditions of her dismissal. Given that the administrative approaches as well as the conciliation procedure foreseen by the working contract remained unsuccessful, she lodged a complaint with the European Ombudsman and made following allegations: 1. The Head of the European Commission's delegation in Tchad abused of his powers. 2. The Commission failed to follow the adequate disciplinary procedure. 3. The complainant was discriminated against, and was treated unfairly. 4. The Commission refused to answer the complainant in the framework of the arbitration procedure provided for in her working contract, it also failed to find a friendly settlement to the case. 5. The complainant requests her reintegration in the post she occupied at the Commission as well as the revaluation of her post. Furthermore, she requests the payment of the salaries corresponding to the period of inactivity as well as a compensation for damages. In case the Commission refuses her reintegration, she proposes a financial settlement.

THE INQUIRY

The Commission's opinion The Commission informed the European Ombudsman that an agreement had been reached between the complainant and the Commission. Both parties made concessions and a formal settlement was signed on 1 June 2000. This terminated all actions stemming from the working contract between the complainant and the Commission. **The**



complainant's observations The complainant did not hand in any observations.

FURTHER INQUIRIES

On 22 November 2000, the European Ombudsman's services contacted the complainant's lawyer in N'Djaména. He confirmed that a satisfactory agreement had been reached between the complainant and the Commission.

THE DECISION

1 Conditions and follow-up of the complainant's dismissal 1.1 The complainant claimed that conditions of her dismissal by the Delegation of the European Commission in Tchad were unfair and that the Commission failed to apply the appropriate procedures. She therefore requested compensation. 1.2 The Commission informed the Ombudsman that on 1 June 2000 an agreement had been reached with the complainant. 1.3 The Ombudsman's services contacted the complainant's lawyer who confirmed that the complainant considered the case to be settled. **2 Conclusion** It appears from the European Commission's opinion and the complainant's lawyer's indications that the Commission has taken steps to settle the matter and has thereby satisfied the complainant. The Ombudsman therefore closes the case. The President of the European Commission will also be informed of this decision. Yours sincerely,
Jacob SÖDERMAN