

## **Complainant compensated following Ombudsman's intervention -Commission pays up after failing to reinstate former employee**

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The European Commission has granted financial compensation following an intervention by the European Ombudsman, **Jacob Söderman**. The compensation follows from the Commission's failure to reinstate a former employee after he had completed a period of leave on personal grounds. As a result, he complained to the European Ombudsman, who successfully obtained compensation for him.

The original complaint was made to the Ombudsman in April 1998. The complainant, a retired A4-grade Commission official, alleged that the Commission had failed to reinstate him at the end of his unpaid leave on personal grounds and had refused to pay him compensation for the resulting loss of salary and reduced pension. Following his inquiry, the Ombudsman had concluded that the European Commission failed to carry out a detailed examination, as required by the case law of the Court of Justice, of the complainant's abilities in relation to each vacant post corresponding to his grade. This failure rendered the Commission liable to the complainant. The Ombudsman had therefore made a draft recommendation that the Commission should compensate the complainant for the material damage he had suffered. The Commission had accepted the draft recommendation in April 2000 and informed the Ombudsman of how much it intended to award the complainant in damages.

However by 12 September 2000, the Commission had still not compensated the complainant. The Ombudsman therefore launched a new inquiry, in which he repeated the draft recommendation to the Commission:

*The Commission should compensate the complainant for the material damage he directly suffered as a result of the Commission's service related fault which is the failure to undertake a detailed examination of the complainant's qualifications for the posts which were vacant after the expiry of his leave on personal grounds.*

Ten days later, the Commission finally credited the complainant's bank account. After consulting the complainant, the Ombudsman finally closed his inquiry last week, having successfully obtained the compensation requested. The actual sum paid out is slightly lower than the complainant had wished for, but he is nevertheless satisfied with the Ombudsman's intervention.



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