

Decision in case 1363/2016/SNA on the alleged inadequate reply by the European Commission to a request for information on staff entitlements

Decision

Case 1363/2016/SNA - Opened on 19/10/2016 - Decision on 21/10/2016 - Institution concerned European Commission (No maladministration found) |

A former employee of the Translation Centre for the bodies of the European Union complained that she had received an insufficient reply from the European Commission's Office for the Administration and Payment of Individual Entitlements (PMO) to her request for information about her family's right to a resettlement allowance when she left the EU service in Luxembourg and moved back to Bulgaria.

The Ombudsman opened an inquiry into the matter and found that the PMO had dealt with the complainant's request in an appropriate manner. There was therefore no maladministration by the Commission on this matter.

The background to the complaint

1. A former employee of the Translation Centre for the bodies of the European Union complained that she had received an insufficient reply from the European Commission's Office for the Administration and Payment of Individual Entitlements (PMO) to her request for information about her family's right to a resettlement allowance when she left the EU service in Luxembourg and moved back to Bulgaria.
2. The PMO replied by informing her of the procedure that she had to follow to request a resettlement allowance. The PMO provided her with a form that she would have to fill out and she was informed which additional documents she would need to provide if she wanted to request a double allowance, for herself and for a family member.
3. Following the reply from the PMO, the complainant approached the Translation Centre's human resources department regarding the matter. The Translation Centre replied that it would check her right to a resettlement allowance. The Translation Centre also informed the complainant that only a staff member may receive a resettlement allowance whereas family members are entitled only to have their travel expenses covered.



4. The complainant forwarded to the Translation Centre the answer she had received from the PMO, arguing that, according to the PMO, she was entitled to request a double resettlement allowance.
5. As the complainant did not receive a reply from the Translation Centre, she again contacted the PMO. The PMO reiterated its previous reply, informing the complainant of the procedure that she had to follow to request a resettlement allowance.
6. According to the complainant, she contacted the PMO once more. On 14 December 2015, the PMO replied to the complainant, explaining that if she had worked for the Translation Centre, she would need to contact that body on the matter.
7. On 20 September 2016, the complainant turned to the Ombudsman.

The inquiry

8. The Ombudsman opened an inquiry into the complaint that the European Commission's Office for the Administration and Payment of Individual Entitlements (PMO) had refused to clarify the complainant's rights by not giving her clear information on whether her family members were entitled to a resettlement allowance. The complainant wished the PMO to clarify her and her family members' rights.
9. In the course of the inquiry, the Ombudsman's inquiry team took into account all the information provided by the complainant. In particular, the inquiry team carried out a thorough analysis of the correspondence that took place between the relevant EU bodies and the complainant before the complainant turned to the Ombudsman. In this context, the Ombudsman's inquiry team asked the complainant to provide copies of further correspondence between her and the PMO.

Allegation that the PMO refused to clarify the complainant's rights

The Ombudsman's assessment

10. It is noted that on 1 July 2015, the complainant sent the following question to the PMO:

*"Dear all, Could you please **tell me if my family is also entitled to receive resettlement allowance** ? Thank you very much for your clarification Kind regards"* (emphasis added)

11. On 28 September 2015 and 5 November 2015, the PMO replied to the complainant's request for clarifications:

*"To receive the resettlement allowance you need to **provide the documents indicated on the enclosed form . If requesting the double allowance** (ie for a family member), you need to provide a residence certificate for that person, proof that they have cancelled their residence in Luxembourg (or a neighbouring country if you lived there), and a work certificate (if for a*



spouse), or a school attendance certificate if for a child. The other documents are indicated on the form.

Best regards" (emphasis added)

12. On 14 December 2015, the PMO replied to the complainant's further request for clarifications:

"Dear Madam,

*If you worked for the CdT the **you need to contact the people responsible in that Agency** . PMO does not deal with the personnel from the CDT.*

Kind regards." (emphasis added)

13. In her first question to the PMO, the complainant did not say that she worked for the Translation Centre. Therefore, the PMO provided an entirely reasonable, general response, setting out the procedure that the complainant would need to follow to request a resettlement allowance.

14. When it became clear to the PMO that the complainant worked for the Translation Centre, the PMO explained that the complainant would need to turn to the Translation Centre regarding the matter and that the PMO does not deal with Translation Centre personnel. This information is entirely in line with the information already provided on the PMO's website, that "*[i]f you are no longer employed as a contract or temporary staff member at the European institutions, you can get more information on ... the resettlement allowance ... from the unit and/or department responsible for management of human resources in your former institution.*" [1]

15. On the basis of the above, the PMO dealt with the complainant's request in an appropriate manner and there was thus no maladministration by the Commission regarding the matter.

16. If the complainant wishes to pursue the matter further, she is advised to do so with the Translation Centre.

Conclusion

On the basis of the inquiry into this complaint, the case is closed with the following conclusion :

There was no maladministration by the Commission on this matter.

The complainant and the Commission will be informed of this decision.

Strasbourg, 21/10/2016



[1] http://ec.europa.eu/pmo/accueil_en.htm