[redacted]

Submissions

Mr. El Khatib

5. Mr. El Khatib submits that, in its determination of the award of compensation, the Appeals Tribunal failed to take into consideration several facts, such as the delay in completion of his performance reports.

6. Mr. El Khatib requests that the Appeals Tribunal examine several proffered documents which allegedly demonstrate that his former supervisor was responsible for their deteriorating relationship. He further requests that the Appeals Tribunal review documents relating to the reasons for the restructuring of the department and the selection procedures for a newly-created higher level position.

Commissioner-General

7. The Commissioner-General submits that the application for revision of the compensation awarded by the Appeals Tribunal to Mr. El Khatib falls outside the permitted scope of revision by the Tribunal.

8. In the alternative, the Commissioner-General contends that Mr. El Khatib does not introduce any new fact unknown to him at the time the Judgment was rendered. The additional facts he now brings must be rejected by this Tribunal because they were not part of the original appeal.

Considerations

9. Applications for revision of judgments are governed by Article 11(1) of the Statute and Article 24 of the Rules of Procedure of the Appeals Tribunal. By these provisions, an applicant must show or identify the decisive facts that, at the time of the Appeals Tribunal Judgment, were unknown to both the Appeals Tribunal and the party applying for revision; that such ignorance was not due to the negligence of the applicant; and, that the facts identified would have been decisive in reaching the decision.[1]

10. This Court held, in Beaudry,[2] that any application which, in fact, seeks review of a final judgment rendered by the Appeals Tribunal can, irrespective of its title, only succeed if it fulfills the strict and exceptional criteria established by Article 11 of the Statute.

11. In the present case, the applicant does not identify any fact unknown at the time of the impugned Judgment which could justify its review. What he actually seeks is a discussion of the amount of compensation awarded to him. This is a possibility not granted by the Statute; the petition does not fulfill its requirements and must, therefore, be dismissed.

Judgment

12.