

**DECISION OF THE PANEL OF ADJUDICATORS OF THE OSCE WITH  
REGARD TO THE EXTERNAL APPEAL BY [REDACTED]  
(Case No: OSCE PoA 4/2025)**

*Proceedings*

1. The Chairperson of the Panel of Adjudicators (PoA) of the Organization for Security and Co-operation in Europe (OSCE) received, on 25 June 2025, a letter from the Chairperson of the Permanent Council of the OSCE transmitting an external appeal by [REDACTED] (Applicant), which the former had received on 14 May 2025.
2. The Chairperson of the Panel, through the Executive Secretary of the Panel, informed the Secretary General of the OSCE (Respondent) and the Applicant on 26 June 2025 of the constitution of the Panel, and asked the Respondent to forward a response to the Panel as per Article 5 of the Rules of Procedure of the Panel to reach the Panel no later than 28 July 2025. The Respondent forwarded a response on 18 July 2025, and the Applicant was advised of [REDACTED] right to reply. [REDACTED] reply of 1 August 2025 was transmitted to the Respondent for information.
3. In accordance with Article VI of the Terms of Reference of the Panel (ToR), Appendix 2 to the Staff Regulations and Staff Rules (SRSR), the Chairperson of the Panel convened the Panel from 8 to 9 December 2025 at the Hofburg premises at Vienna to examine the appeal. The Panel was composed of its Chairperson, Mr. Thomas Laker, its Deputy Chairperson, Ms. Jenny Schokkenbroek, and its member, Mr. Marcus Joyce.
4. After examining all the documents submitted to it, the Panel noted that the Applicant requests reimbursement of [REDACTED] annual mandatory [REDACTED] fees from 2021 to 2023 as well as compensation for other damages in the amount of 5000 EUR. Further, [REDACTED] requests the Respondent to be directed to reimburse such [REDACTED] fees for the year of 2024.

*Summary of facts*

5. The Applicant was, at the time material to this application, a [REDACTED]  
[REDACTED], working as [REDACTED]  
[REDACTED].
6. On 7 April 2021, the Applicant requested [REDACTED] supervisor's support for reimbursement of fees [REDACTED] must pay annually for mandatory membership in [REDACTED]. In the respective email, [REDACTED] referred to Staff Instruction No. 14/Rev. 3 on 'Staff Learning and Development' (SI 14).
7. On 21 June 2021, the Applicant's supervisor promised to support [REDACTED] and asked the Applicant what the process for such request would be.
8. On 16 September 2021, the Applicant sent the request which was forwarded to the [REDACTED] who answered on the same day: "SI. 14 can cover such fees. [REDACTED] will send you the appropriate form so you can send this through your supervisors and we can get the budget cleared."
9. On 17 September 2021, the Applicant received the form for requesting financial support for learning activities. [REDACTED] submitted the completed form on 20 September 2021.
10. On 13 January 2022, the Applicant submitted [REDACTED] request regarding the annual fees for 2022.
11. On 6 March 2023, the Applicant submitted [REDACTED] request regarding the annual fees for 2023.
12. In the meantime, the Applicant requested information about the state of [REDACTED] requests several times, to no avail.

13. On 31 October 2023, the Applicant was notified that the [REDACTED] [REDACTED] was “not in a position to answer to your request for compensation of the mandatory [REDACTED] fees in the affirmative.”
14. On 15 November 2023, the Applicant reiterated that [REDACTED] had been advised that SI 14 would cover the fees at stake and asked [REDACTED] to “reconsider the matter in light of the ... context”.
15. Having been reminded of an outstanding response on 4 April 2024, [REDACTED] notified the Applicant on 11 April 2024 that the [REDACTED]’s position expressed in its email of 31 October had not changed.
16. On the same day, the Applicant reacted by asking [REDACTED] to “provide information as to how to submit an appeal of the decision, including the authority whom made the decision and the applicable form for submitting the appeal.”
17. Having received no answer (again), on 28 May 2024, the Applicant followed up on [REDACTED] message, asking whether [REDACTED] had “since agreed to issue the reimbursement”.
18. On the same day, [REDACTED] answered that the content of its email sent on 11 April 2024 constituted [REDACTED]’s final decision on the matter.
19. On 5 June 2024, upon the Applicant’s request, [REDACTED] affirmed that the time for an appeal would “be extended accordingly.”
20. On 20 June 2024, the Applicant submitted a Request for Internal Appeal.
21. On 25 June 2024, an Internal Review Board (IRB) was established. The IRB considered the request to be admissible and delivered its report on 25 October 2024, recommending not to grant the request for reimbursement, however, to grant an *ex gratia* payment of 2,500 EUR considering the lengthy delays in processing the Applicant’s claims.
22. On 5 November 2024, the Officer-in-Charge/Secretary General followed these recommendations.
23. On 13 January 2025, the Applicant filed the present Request for External Review.

*Contentions of the parties*

24. The Applicant's major arguments are:

- The application for internal review was timely;
- The impugned decision was made without authority;
- SI 14 was interpreted incorrectly;
- The decision was prejudged and taken without considering all provided information.

25. The Respondent's major arguments are:

- The application should be dismissed because the request for internal review was not timely;
- The impugned decision was both proper and authorized;
- The delay in processing the Applicant's claim was reasonable and justified under the circumstances.

*Considerations*

*Admissibility*

26. At the outset, the Panel recalls that, pursuant to Staff Regulation 10.02, the right of final appeal to the PoA is granted "further to the procedure established in Regulation 10.10.", i. e. the internal appeals procedure. Further, Staff Rule 10.02.2 (d) states that an application to the PoA shall not be admissible unless it complies with the requirements of the internal appeals procedure. Read together, and pursuant to the established case law, it follows that a review of the merits of an appeal by the PoA can only be granted where the formal requirements of the internal appeals procedure have been met. If the initial appeal has not been lodged within the time limit as

established in Staff Regulation 10.01 (c), i.e. within 30 days from the date of the notification of the impugned decision, the Panel is prevented from considering its substance and merits (see decision of decision of 14 February 2025, OSCE PoA 4/2024, para. 31; decision of 15 May 2020, OSCE PoA 1/2020, para. 23 and 24; decision of 14 September 2018, OSCE PoA 3/2018, para. 30 and 31; decision of 2 November 2017, PoA 2/2017, para. 26).

27. The Panel takes note that the Applicant submitted [REDACTED] request for internal review on 20 June 2024. In [REDACTED] brief, [REDACTED] alleges that the impugned “decision was not properly communicated until 28 May 2024.” On this date, [REDACTED] had sent an email to [REDACTED]; reading, *inter alia*: “Please note that the content of my email sent on 11 April 2024 constitutes [REDACTED]’s final decision on the matter.”
28. Further, the Panel notes that in the respective email of 11 April 2024, [REDACTED] had written, *inter alia*: “... I will have to confirm that the [REDACTED]’s position in my email of 31 October has not changed for the reasons explained.”
29. Finally, it is noted that [REDACTED]’s email of 31 October 2023 dealt extensively with the Applicant’s claim, concluding: “All these considered, I regret to inform you that [REDACTED] is not in a position to answer to your request for compensation of the mandatory [REDACTED] [REDACTED] fees in the affirmative.”
30. The latter email refers to “the exchange of emails on the matter of [REDACTED] mandatory [REDACTED] fees, as well as the meeting ...on this point”. It is based on a detailed interpretation of SI 14 and unambiguously rejects the Applicant’s claim. Therefore, the email of 31 October 2023, contains an administrative decision within the meaning of Staff Regulation 10.01 (a) regarding the Applicants various requests, dated 7 April 2021, 13 January 2022, and 6 March 2023, for reimbursement of the fees [REDACTED] had paid to [REDACTED] in 2021, 2022, and 2023. This is the impugned decision.
31. It follows that the clock for filing a request for internal review started running from the notification of the email dated 31 October 2023, regardless of later exchanges between the parties. Neither the email of 11 April 2024, nor the email of 28 May 2024 include an amendment or substantive rectification of the initial decision. On the

contrary, they both confirm the decision taken and notified on 31 October 2023 and constitute mere repetitions of it.

32. The Panel notes with concern that [REDACTED], in its email of 28 May 2024, erroneously considered the email of 11 April 2024 as its “final decision”, rather than the decision of 31 October 2023. However, this wrongful determination had, and has, no impact on the Applicant’s procedural situation, as it was notified to the Applicant long after the applicable time-limit had expired in 2023.

33. The same applies to the [REDACTED]’s promise of 5 June 2024 to extend the timeline for an appeal “accordingly”. In this respect, the Panel emphasizes that, in the interest of legal certainty, procedural timelines are established in the OSCE’s internal rules and are not at the disposal of the parties. The administration has no authority to extend the deadlines for a request for internal review (cf. Staff Regulation 10.01 (c)).

34. Pursuant to Article III paragraph 3 a) of the Internal Appeals Procedure (Appendix 12 to the SRSR), it is only for the IRB to consider whether the appellant “had legitimate reasons for not having submitted his/her request within the prescribed time-limit” and to decide on the receivability of the appellant’s request accordingly. However, the IRB report of 25 October 2024 omits to refer to any such considerations. Indeed, the IRB erroneously assumed that all submissions “were received within the deadlines ... in line with Article III of Appendix 12 ...”).

35. Finally, the fact that the impugned decision did not include any advice regarding the option to file an appeal does not constitute legitimate reasons for not filing the appeal in line with the legal provisions. The Panel reiterates that staff members of international organizations are expected to inform themselves about the relevant internal law of their respective organization, including appeal mechanisms (see decision of 25 August 2020, OSCE PoA 45/2019, para. 39; decision of 13 December 2024, OSCE PoA 3/2024, para. 25). [REDACTED]

36. It follows from the above that, in view of the impugned decision of 31 October 2023, the 30 day time limit for filing the request for internal review had long expired when it was submitted on 20 June 2024. As the formal requirements for the internal review procedure were not fulfilled, the Panel is not entitled to investigate the substance of the Applicant's claim.

### *Remedies*

37. The Panel recalls its established practice to award compensation in cases of relevant procedural delays, since such delays unnecessarily prolong an applicant's stress and uncertainty regarding the outcome of his/her case (cf. decision of 27 May 2025, OSCE PoA 1/2025, para. 55; decision of 12 December 2024, OSCE PoA 2/2024, para. 40; decision of 3 July 2024, OSCE PoA 1/2024, para. 54).

38. The Panel notes with concern more than one remarkable delay on the Respondent's side when handling and processing the Applicant's complaints and requests.

39. Firstly, more than two years elapsed between the submission of the Applicant's claim with the relevant form on 20 September 2021 and the notification of the impugned decision of 31 October 2023, although the Applicant often asked the administration about the state of the matter during this period.

40. Secondly, after rendering a contestable decision on 31 October 2023, one more year passed by until the internal appeals procedure was finalized on 5 November 2024. In addition, during this period, the Applicant received incorrect information about the status of the matter and was given misleading and unfulfillable promises regarding a potential extension of time limits.

41. Thirdly, pursuant to Staff Rule 10.02.2 (a), the Secretary General shall forward a request for external appeal with his/her recommendation to the Chairpersonship within thirty days upon its receipt. While the Applicant filed her respective application on 13 January 2025, it was forwarded to the Chairpersonship only on 14 May 2025, i.e. with a delay of three months, and four times as much as legally prescribed.

42. Fourthly, pursuant to Staff Rule 10.02.2 (a) (ii), the Chairpersonship shall decide within fifteen days about the transmission of such an application to the Panel. The Panel notes that it received the application on 25 June 2025, i.e. with a delay of more than three weeks.
43. Under the circumstances of this specific case, the Applicant's untimely filing of the request for internal review does not prevent the Panel from awarding compensation for moral damages which, in part, occurred after the initiation of the internal review proceedings. The Panel notes that the Respondent has already awarded 2.500 EUR in this respect as an *ex gratia* payment. However, considering all relevant circumstances, in particular the additional delays following the IRB's recommendations, the Panel holds that compensation of a total amount of 4.000 EUR is appropriate and necessary (cf. decision of 27 May, OSCE PoA 1/2025).
44. Finally, the Panel notes that any [REDACTED] fees for the year of 2024 are not part of the impugned decision and, therefore, the Applicant's appeal in relation to those fees is inadmissible.

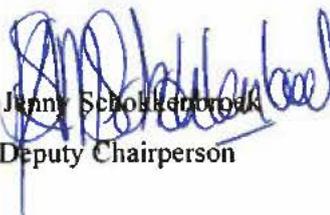
### *Conclusion*

Considering the above, the Panel recommends the Respondent to pay to the Applicant 1500 EUR in addition to those 2500 EUR already granted to [REDACTED] as an *ex gratia* payment.

All other claims are rejected.

Done in Vienna on 9 December 2025

  
Thomas Laker  
Chairperson

  
Jenny Scholten-Brosch  
Deputy Chairperson

  
Marcus Joyce  
Member