

Summary of EO (No. 2) v. IFC (Preliminary Objection), Decision No. 622 [2019]

The Applicant challenged (i) his FY2017 Annual Review; (ii) his FY2017 performance rating of 2; (iii) the decision not to shortlist him for the Financial Officer position, Job # 170929; (iv) the decision not to select him for the Financial Officer position, Job # 170929; and (v) the refusal to provide feedback on the reasons why he was not shortlisted for the Financial Officer position, Job # 170929.

The IFC raised a preliminary objection to the admissibility of the Application, claiming that the Application was barred by the principle of *res judicata*.

The Tribunal examined the facts and claims in *EO*, Decision No. 580 [2018] and compared them to those in the present Application. In Decision No. 580, the Tribunal considered the Applicant's FY2016 Annual Review, his FY2016 performance rating, the Opportunity to Improve plan, the recommended termination of his appointment, and the non-extension of his appointment. The Tribunal found that it did not consider in its previous decision any of the decisions which the Applicant challenged in the present Application and held that it cannot be said that the "substance of the claim" is the same in Decision No. 580 and the present Application. Accordingly, the Tribunal dismissed the IFC's *res judicata* objection.

Decision: The IFC's preliminary objection was dismissed.