

### **Summary of LOWI opinion 2015-05**

This opinion concerns a case in which the Petitioner complained to the Board about a document submitted and ruled on as evidence in a previous complaint procedure. According to the Petitioner, the document had been forged. The Board found the complaint inadmissible.

The document was reviewed and ruled on by the LOWI in an earlier procedure. In the interests of legal certainty, complaint procedures must, at a certain point, be deemed to have reached a definitive end. It is contrary to the system established in the various regulations (concerning complaints) to re-open discussion of an opinion through another channel by resubmitting a complaint concerning the same matter to a Board and then resubmitting a request for opinion on that matter to the LOWI. If, by analogy, the relevant provisions of the General Administrative Law Act [*Algemene wet bestuursrecht*] and the case law of the Administrative Law Division of the Council of State were applied, a resubmitted request would only be considered in the event of *nova*, whose nature would furthermore need to be such that they could lead to a different decision being taken. The term *nova* is strictly interpreted. In the present case, there are no *nova*. The Board therefore correctly found the complaint inadmissible.

On 31 March 2015, the Board issued its final decision in line with the LOWI's opinion.