

Summary of LOWI opinion 2015-06

This case involves the concurrence of two procedural questions: *formal force of law* and *repeat complaint*. The Petitioner complained to the Board for the second time about the same alleged violation of the principles of research integrity. The Board found the complaint inadmissible.

The LOWI considers that complaint procedures must at a certain point reach a definitive end, in part in the interests of legal certainty. If the submission deadline for petitioning the LOWI has passed without action being taken, the Board's decision in the matter can no longer be submitted to the LOWI. At that point, the decision gains the *formal force of law*, as it were. This principle should be strictly observed. It would be contrary to this principle to use roundabout means to question a decision that has the formal force of law by submitting a *repeat complaint* to the Board on the same matter. To prevent this, there is the rule that when the same complaint is submitted to a Board for the second time and there are no *nova* pertinent to the case (see also LOWI opinion 2015-05), the Board need not consider it. Advancing new arguments cannot be regarded as producing *nova*.

The foregoing rule was applied in this matter, and correctly so in the LOWI's view. The Petitioner's letters of 2013 were interpreted as a complaint at that time, and the Board accordingly took a decision on that complaint in the same year. The Petitioner could have subsequently approached the LOWI, but did not do so. The decision taken in 2013 has therefore acquired the *formal force of law*. The Petitioner's letters of 2014 repeat his complaints of 2013. Since there were no *nova* (and furthermore no *nova* of such a nature that they would justify a review of an earlier decision), the Board correctly decided to find the complaint inadmissible.

On 11 May 2015, the Board issued its final decision in line with the LOWI's opinion.