

Summary of LOWI decision 2018-10

Keywords: admissibility of Petition to LOWI, exceeding of deadline

Relevant provisions: Article 7.1, 7.3, and 7.4 of the LOWI Regulations 2018

Board involved: Executive Board of Delft University of Technology

Petition

On 22 August 2018, the Petitioner submitted a pro forma Petition to the LOWI via his legal adviser (hereinafter: the authorised representative) to advise the Board on the (provisional) ruling of the Board of 11 July 2018.

Assessment of admissibility of Petition

The Board's decision is dated 11 July 2018. The period for submitting a Petition is six weeks and commences on the date of the (provisional) ruling by the Board (Article 7.3 of the LOWI Regulations 2018).

A Petition is deemed to have been submitted in good time if it is received by the LOWI *before* the end of that period (Article 7.4 of the LOWI Regulations 2018). The LOWI notes that the Petition should have been received at the latest by 21 August 2018. It was, however, received on 22 August 2018.

Pursuant to Article 7.4 of the LOWI Regulations 2018, a Petition that is submitted after the end of that period will be declared inadmissible unless it cannot reasonably be found that the Petitioner was in default. The LOWI notified the authorised representative of the deadline having been exceeded and requested him to explain in writing whether and why, in his opinion, that could be considered excusable. The authorised representative did not respond within the time limit set by the LOWI. The requested explanation had still not been provided on the the date when the LOWI ruling was issued.

LOWI ruling:

The Petition was not submitted within the set period and it has not become apparent that it cannot reasonably be found that the Petitioner was in default. The Petition does not meet the admissibility requirements set out in Article 7 of the LOWI Regulations 2018.

Pursuant to Article 7.1 of the LOWI Regulations 2018, the LOWI will not consider the Petition. This means that no opinion on the ruling will be issued to the Board.