

Q. Types of Determination

The NPA judges the case at an NPA meeting, based on an investigation report submitted by the Board of Equity, and sends a written determination to concerned persons.

The written determination is composed of the main sentence, facts, point of dispute and reasons. This is equivalent to a verdict in a lawsuit.

There are three types of main sentences as follows:

1. Determination of approval (when there is a reason for an action and the action taken is deemed appropriate)

2. Determination of revision (when there is a reason for an action but the action taken is not deemed appropriate)

* For example, NPA can revise dismissal to suspension from duty. This is the point where an NPA determination substantially differs from a court decision.

3. Determination of cancellation (when there is no reason for an action)

When the action is revised or cancelled, the NPA directs the person who took the action to compensate for the remuneration, etc. which was not provided to an employee due to the action.

The written determination is sent to concerned persons but it is sent to a representative designated by the persons if they submit a written request to the Board of Equity or the NPA.

Q. What Can Be Done after a Determination is Made?

(1) Filing an administrative lawsuit

An applicant for review who is dissatisfied with the NPA determination can file an administrative lawsuit to a court within a certain period.

An applicant can file an administrative lawsuit without filing a petition for retrial described in (2) below.

(2) Retrial

A concerned person can file a petition for retrial to the NPA within 6 months from the day following the NPA determination only when there is a reason specified in the NPA Rule 71 such as the case when evidentiary material or a testimony which served as the ground for the NPA judgment was found to be false.