

World Bank Administrative Tribunal

Reports

2006

Order No. 2006-1

**DF,
Applicant**

v.

**International Bank for Reconstruction
and Development,
Respondent**

**World Bank Administrative Tribunal
Office of the Executive Secretary**

World Bank Administrative Tribunal

**DF,
Applicant**

v.

**International Bank for Reconstruction
and Development,
Respondent**

1. The application in this case was received on 30 November 2005. This Order is rendered by the Tribunal in plenary session, with the participation of Jan Paulsson, President, Robert A. Gorman, Francisco Orrego Vicuña, Sarah Christie and Florentino P. Feliciano, Judges.
2. The Applicant contests the Bank's decision under Staff Rule 8.01 to "prohibit future hire [of the Applicant] by the Bank." The Applicant fails, however, to meet the basic jurisdictional standards set forth by the Tribunal's Statute. Article II, paragraph 2(i), of the Tribunal's Statute provides that an application will be inadmissible if the applicant has not "exhausted all other remedies available within the Bank Group" prior to coming to the Tribunal, save in exceptional circumstances as decided by the Tribunal, or unless the applicant and the respondent have agreed to submit the application directly to the Tribunal.
3. The Bank's challenged decision was made on 10 February 2005 and shortly thereafter communicated to the Applicant. The Applicant submitted a letter dated 10 May 2005 to the Appeals Committee requesting an extension of time in which to file an appeal. The Appeals Committee granted her an extension until 10 June 2005. The

Applicant, however, did not file her appeal by this new deadline. On 28 June 2005, the Applicant sent an e-mail to the Executive Secretary of the Appeals Committee, stating:

I am following up on my request for an extension to file an appeal. I submitted a request for an extension in May, but have not yet received a response.

On the following day, 29 June 2005, the Executive Secretary of the Appeals Committee replied to the Applicant as follows:

Our records show that we sent a letter to you, by certified mail, on May 13, 2005 to the address you provided on your letter of May 10, 2005 wherein you request [sic] the extension. In the letter, we granted you an extension to file your appeal by June 10, 2005. The envelope indicates delivery was attempted on May 18 and 23 and was returned to us by the Post Office on June 1st unclaimed. Upon receiving the returned letter, we called the phone number you provided to us twice and left messages. ...

Unfortunately, our attempts to communicate with you using all the contact information your [sic] provided was unsuccessful and your deadline to file an appeal has passed.

4. It is obvious on the face of the present application that the Applicant did not meet the Tribunal's jurisdictional standards by exhausting in a timely manner "all other remedies available within the Bank Group," such as those to be found before the Appeals Committee. In *Yoon (No. 5)*, Decision No. 329 [2004], para. 11, the Tribunal reaffirmed its well-established principle that

where an Applicant has failed to observe the time limits for the submission of an internal complaint or appeal, with the result that his complaint or appeal had to be rejected as untimely, he must be regarded as not having complied with the statutory requirement of exhaustion of internal remedies.

5. The Applicant has not presented any exceptional circumstances to justify her failure to file her appeal with the Appeals Committee in a timely manner. The application is on this basis clearly irreceivable.

Decision

The Tribunal hereby summarily dismisses the application.

/S/ Jan Paulsson
Jan Paulsson
President

/S/ Nassib G. Ziadé
Nassib G. Ziadé
Executive Secretary

At Washington, DC, 26 May 2006