Decision No. 96

Dagmar M. Georgiev, Applicant

٧.

International Bank for Reconstruction and Development, Respondent

1. The World Bank Administrative Tribunal, composed of P. Weil, President, A. K. Abul-Magd and E. Lauterpacht, Vice Presidents, and F. K. Apaloo, R. A. Gorman, E. Jiménez de Aréchaga and Tun Suffian, Judges, has been seized of an application, received September 14, 1989, by Dagmar M. Georgiev against the International Bank for Reconstruction and Development. The usual exchange of pleadings took place. The parties filed additional written statements which the Tribunal decided to make part of the record. The case was listed on June 25, 1990.

The relevant facts:

- 2. The Applicant worked with the Respondent as a Secretary in a Temporary Assignment Program (TAP) from September 1982 to April 1983. During this period her performance assessments, though not regular, were mixed. She was from mid-May 1983 given a regular appointment in the office of the Vice President and Secretary (VPS) but was not confirmed in her position at the end of her probation because of poor performance but a request was made for her transfer. The Applicant did not agree that her performance was poor, believing that she was overqualified for the job but agreed that her assignment should be terminated. She, however, failed to find another position on the Respondent's staff and, therefore, her employment was terminated as of April 1, 1984.
- 3. The Applicant appealed the termination of her employment to the Appeals Committee which found that she had not been treated fairly or appropriately and recommended that she be directly placed during the rest of her probationary period with a full review at the end of that period. The Vice President, Personnel and Administration, (VPPA) accepted the recommendation and the Applicant was placed in the Economics and Policy Division (EPD) of the Agriculture and Rural Development Department (AGREP), effective November 30, 1984. Her probationary period was extended to May 31, 1985.
- 4. The Applicant was confirmed in her appointment at the end of her probationary period and remained in AGREP till the 1987 Reorganization. The Applicant's performance reviews in the EPD were generally favorable, though some unfavorable comments were made about the Applicant's ability to cooperate with other support staff.
- 5. In the Reorganization, AGREP was disbanded. The Applicant indicated that her first choice was the Europe, Middle East and North Africa Region (EMENA) and she was selected during Round 1 of the selection process to fill a position in the Industry and Energy Division (EM4IE) of one of EMENA's Country Departments (EM4). Effective August 20, 1987 she was working for three supervisors. By November of the same year two of her supervisors had noted in memoranda that she had certain shortcomings. She did not agree with but tried to explain their criticism. The third supervisor, who had been on mission for most of the fall, was also not satisfied with certain aspects of the Applicant's performance. Others in the Division complained of the Applicant's rudeness.
- 6. By memorandum dated March 11, 1988 the EM4IE Division Chief, after discussing the Applicant's performance with her on several occasions, took action under Staff Rule 7.01 to establish a three month

evaluation period, through June 10, 1988. He set out specific criteria for judging performance. Because the Applicant had indicated that she believed that only one of her three supervisors was dissatisfied with her performance, she was no longer required to report to that individual, and another supervisor was substituted. In the memorandum the Applicant was warned that if she did not perform satisfactorily on a sustained basis during the trial period, the Division Chief would be forced to recommend her transfer out of the Division "which may ultimately result in separation from the service of the Bank on grounds of unsatisfactory performance."

- 7. The Applicant responded by memorandum dated March 14, 1988, to the Division Chief's memorandum of March 11. She repeated her view of the quality of her work and said that she went "out of my way to be helpful and courteous," accepted extra work given her "without complaints, quite unlike other support staff in the Division," and was "fully dedicated to my job." She added that her grievances were with respect only to one supervisor and that the other two, as far as she knew, were "pleased with my performance."
- 8. On April 14, however, one of the other two supervisors made an adverse report about the Applicant's performance to the Division's Administrative Assistant. During the evaluation period attempts were made by the Division Chief to discuss the Applicant's performance with her.
- 9. By memorandum to files, dated May 10, 1988, the Director of EM4 recorded that, when the draft performance review for the trial period was completed by the Applicant's supervisors, the Applicant did not discuss it immediately but asked for time to review it; that she had said, inter alia, that the evaluations were untrue, unfair and biased, and that the Administrative Secretary "had failed to create the appropriate atmosphere" and "to provide understanding and support for her"; and that she had indicated that there were problems with her new supervisor. Later the Applicant met with her Division Chief. By memorandum to files, dated May 13, 1988, the latter stated that the Applicant had said that the problems related not to "her performance but rather to the environment, her peers, supervisors and the Administrative Assistant, as well as, in one incident, the lack of my support."
- 10. Discussions between the Applicant and her supervisors regarding the Applicant's performance for the period July 20, 1987 to March 31, 1988 were extensive. The final version of the supervisors' assessment in their performance review dated May 16 and 17, 1988, concluded:

[W]hile Ms. Georgiev can, with sufficient supervision, handle a relatively reasonable amount of routine assignments, she cannot be entrusted with the more important tasks that are normally expected of an operational secretary, such as loan appraisal packages. This reduces very significantly her usefulness, especially in a busy operating division like ours. In order to reach a satisfactory level of performance she would have to improve further her quantity of output, her attention to detail, her understanding of the Bank's procedures and requirements, her technical skills and time management. In addition, it would be important for Ms. Georgiev to try and improve her now generally difficult personal relationships with her supervisors and in particular her colleagues. This would involve, inter alia, respecting the opinions and concerns of her colleagues, being willing to accept and learn from problems and criticism and following the priorities of her supervisors. In the absence of considerable improvements in these areas we do not believe that Ms. Georgiev can carry out her duties satisfactorily.

The Administrative Assistant with whom the Applicant also worked added in the same review that work relationships with support staff were strained and drew attention to the need for the Applicant to be "more accepting of criticism and willing to improve, and less argumentative" and "to accept administrative decisions without challenging them."

11. At the end of the trial period the Division Chief, in a memorandum dated June 30, 1988, evaluated the Applicant's performance and concluded that:

Ms. Georgiev's performance in the evaluation period has fallen far short of the requirements of the division and of the stated performance improvement objectives. Ms. Georgiev appears to believe that her performance is "superior" attributing all problems to the environment. On a number of different occasions

she has noted that her supervisors are "unfair" or "dishonest", her peers are "lying" or "conspiring" against her, the administrative assistant was not "supportive" or "understanding", that I do not "hear" and/or "support" her and that the equipment malfunctions. I share the assessment of her supervisors and the administrative assistant that her performance remains unsatisfactory (despite the relatively light workload). Her performance coupled with her difficult relationships with those she works with has put a severe strain on the functioning of the division. Regardless of a number of discussions, Ms. Georgiev has maintained her view of her "superior" performance, thus not even acknowledging the need to improve it. Her approach and attitude have remained confrontational with frequent statements about taking her case to "higher levels" and the "courts" etc.; in this context she has made me aware and reminded me that she did so on an earlier occasion and "won" and that such a process could cause embarrassment for those concerned. In view of all of these factors, I strongly recommend that she be moved out of the division immediately.

- 12. By memorandum dated July 11, 1988, the Applicant expressed to the Acting Vice President, Personnel, her comments on her Division Chief's evaluation of her performance. She repeated defences and explanations she had made on earlier occasions and attached to the memorandum an earlier memorandum to her Personnel Officer, dated May 20, 1988, in which she had asked for a transfer out of EM4IE.
- 13. Consideration was given by the Regional Vice President after discussion with his staff to reassigning the Applicant within the Region but in a memorandum, dated July 12, 1988, to the Acting Vice President, Personnel, he concluded "given the strenuous demands of Operations work on support staff, there were no possibilities to place Ms. Georgiev in an assignment in the Region which would offer good prospects of satisfactory performance." Hence, the Regional Vice President advised the Acting Vice President, Personnel, in the same memorandum that he would like to have the Applicant leave the Region as soon as possible.
- 14. In response to a request by the Acting Vice President, Personnel, by memorandum dated July 25, 1988, the Acting Regional Vice President stated that:

The problems stem not so much from technical incompetence as from an inability to accept any responsibility for her (Ms. Georgiev's) personal shortcomings. It is apparent that Ms. Georgiev has a personality which is inconsistent with the notion of true team work in an organization.

After expressing the view that, given the nature of the Applicant's difficulties and other factors, "it is not reasonable to believe that either training in interpersonal skills or placement elsewhere in the Bank will alleviate the problem," he recommended that the Applicant's employment be terminated.

- 15. By memorandum dated July 27, 1988, the Acting Vice President, Personnel, informed the Regional Vice President that "after a thorough review of background papers and the history of her employment with the Bank, I have concluded that the nature and extent of Ms. Georgiev's performance problems indicate that there are no good prospects for satisfactory performance elsewhere in the Bank or IFC." He advised that her employment should therefore be terminated. Referring to Staff Rule 7.01, paragraph 11.03, he said that the Applicant should be notified to that effect in writing at least 60 calendar days prior to the effective date of separation. This memorandum was copied to the Applicant. The Acting Vice President, Personnel, also directly informed the Applicant of his decision by memorandum of the same date.
- 16. The Applicant was subsequently given notice of termination effective October 4, 1988. By memorandum dated August 8, 1988, she asked the Vice President, Personnel, (VPP) to review the decision to terminate her employment and allow her to remain in service, in consideration of her good performance prior to the EM41E assignment. She also referred to her earlier request for transfer. By memorandum dated August 10, 1988, the VPP responded that he found no basis for disturbing the conclusion reached by the Acting VPP.
- 17. At some point in the fall of 1988, the Applicant applied through the Vacancy Information System for the position of Administrative Secretary in the Computer Technology Center 2 (ITCT2). The Acting Manager who was impressed by the Applicant, and his acting Administrative Secretary, both initially agreed that she could fill

the vacancy. The former, however, after being advised by the Personnel Department to exclude her from the short list of candidates unless she was "head and shoulders" above the other candidates, concluded that she did not satisfy this standard, and he therefore excluded her.

18. On August 24, 1988, the Applicant filed an appeal with the Appeals Committee against the termination decision. The Appeals Committee expressed the opinion that the Applicant's performance record in AGREP should have been given more weight in assessing the prospects for future satisfactory performance in another part of the Bank. It recommended that:

[T]he Appellant be reinstated and placed under the Personnel Department to work in a region other than EMENA for a period of twelve months in the "Temporary Assignment Program" provided for in Staff Rule 5.01. The Appellant's continued employment should depend on whether (a) she performs well in her new assignment, and (b) she obtains, with the assistance of the Personnel Officer responsible, a job in the Bank during this period. If she is not able to obtain a job by the end of the twelve-month period, her employment with the Bank should be terminated under Staff Rule 7.01.

The Applicant had requested other relief in regard to which the Committee recommended that:

[T]hose documents which are relevant to her performance in EM4IE (e.g. AER, evaluations, etc.) should remain in her Personnel File but other documents not directly related to performance should be placed in a confidential folder.

- 19. The Senior Vice President, External Affairs and Administration, (SVPEA) informed the Applicant by letter, dated June 15, 1989, that he did not find a sufficient basis to proceed as the Appeals Committee had proposed; he was satisfied that the conclusion reached by the Acting Vice President, Personnel, and confirmed by the VPP had taken account of all relevant evidence, including the Applicant's performance in AGREP; and Staff Rule 7.01 provided for the exercise of managerial discretion. However, considering the fact that the Applicant had left the Respondent's service on two months' notice and was facing the strain of transition as a single parent, he offered her a discretionary payment equivalent to three months' net salary with the understanding that acceptance would preclude further claims against the Respondent. He added that steps would be taken to comply with the Appeals Committee's recommendation concerning material retained in the Applicant's personnel file.
- 20. The Applicant refused the offer of a discretionary payment, and said that she did not understand how the SVPEA could have reached a conclusion contrary to that of the Appeals Committee. She also wrote a letter of complaint to the President of the Bank. The SVPEA replied on behalf of the President that the Appeals Committee was advisory to management and that "Management must make the final decision, subject only to review by the Administrative Tribunal. He added that his offer of three months pay remained open.

The Applicant's main contentions:

- 21. The Respondent's treatment of the Applicant violated Principle of Employment 2.1(d).
- 22. In particular, Staff Rule 7.01 was misapplied in violation of a fair and reasonable procedure and resulted in an abuse of discretion. In the first place, in the light of Applicant's excellent performance record prior to her joining EM4IE, the establishment of a three-month testing period in the same environment where the problems had been growing after only a few months work in that division, was not fair and reasonable. In the second place, the interference of the Personnel Department in her possible selection for a position in ITCT2 was unfair and unreasonable.
- 23. The decision not to offer her a position elsewhere in the Bank was unfair and unreasonable. In particular, it did not give sufficient weight to the Applicant's excellent performance record before she joined EM4IE, and the fact that though the Applicant had been in good faith and wanted a transfer, the Personnel Department was unwilling to help her but rather put obstructions in her way.

- 24. The principle of proportionality was also violated. The Applicant had performed satisfactorily in different assignments for 3 1/2 years. Undue weight was given to her problems during a seven-month period in terminating her employment without giving her a fair chance to correct the record.
- 25. The Applicant sought the following relief:
 - (i) rescission of the decision to terminate her employment and re-employment in a regular staff position at level 14, except in EM4IE;
 - (ii) compensation, in addition to (i), in the amount of 20 months salary for the injuries sustained as a result of the Respondent's unlawful actions;
 - (iii) should rescission in (i) above not be accepted by the Respondent, three years net salary as total compensation;
 - (iv) removal from her personnel file of records pertaining to her performance in EM4IE; and
 - (v) reimbursement of all procedural costs and attorney's fees.

The Respondent's main contentions:

- 26. The Respondent did not act in violation of a fair and reasonable procedure and, therefore, abuse its discretion. The requirements of Staff Rule 7.01 and of due process were scrupulously followed. The three months testing period was not too short as it was in keeping with the requirements of Staff Rule 7.01. Due process was complied with in that the Applicant was given notice of her deficiencies, she was warned that termination might ultimately result and she was given an opportunity to improve and rebut criticism.
- 27. It was proper for the Personnel Department to remind a selecting manager of the entire record of a candidate for a position. This was not obstruction. The Personnel Department also did not act improperly by declining to give active assistance to the Applicant in finding a position elsewhere in the Bank, because this is not required under Staff Rule 7.01 when the staff member's performance is found to be unsatisfactory.
- 28. As regards the substance of the decision, the decision was based on facts and was not violated by improper motives or abuse of power. There was sufficient evidence, throughout the Applicant's history of employment, of a pattern of personality which created risk of disruption whenever she happened to be employed in the Bank.
- 29. The Applicant's pleas for specific performance, compensation and costs should be dismissed, as they have no merit. As for the request for deletion of material in her file the SVPEA has indicated that certain actions will be taken consequent upon the recommendation of the Appeals Committee. Since the Applicant is not entitled to reinstatement, her request for deletion of the EM4IE performance records is most and should be denied.

Considerations:

- 30. In this case, the Applicant's appointment as a Secretary level D was terminated for unsatisfactory performance. She was not reassigned to another branch of the Bank because the Acting Vice President, Personnel, considered that there were no good prospects for her satisfactory performance elsewhere in the Bank. After going through its procedural requirements, the Bank terminated the Applicant's employment. It is this decision that the Applicant contests.
- 31. First the Applicant contends that the termination action was "seriously flawed since it was carried out in violation of a fair and reasonable procedure." The procedure by which the employment of a member of the staff may be terminated for unsatisfactory performance is spelled out in the Staff Rules. The relevant provision in this case is Staff Rule 7.01, para. 11.02, which provides in pertinent part that:

When a staff member is not performing satisfactorily, the manager will inform him so as to provide the staff

member an opportunity to improve. If after a reasonable period of time, which shall not exceed six months ... the staff member's performance remains unsatisfactory, the manager shall request his department director ... to remove the staff member from the position.

- 32. The record shows that the Applicant received written warnings from her supervisors who were anything but satisfied, both with her technical competence and with her brusque personality. In March 1988 her Division Chief felt obliged to subject her to a three-month evaluation period. The Applicant was not only informed of this, but well knew what was required of her. At the end of the evaluation period, she again failed to measure up. It was found that her performance in the evaluation period fell short of the requirements of the Division and that her work relationships had deteriorated. This conclusion was brought to her notice. It is clear, therefore, that the procedure prescribed by Staff Rule 7.01 was followed.
- 33. The Applicant also contends that it was unreasonable to give her only three months to improve her work quality. The Tribunal notes that, although the relevant Staff Rule prescribes a maximum testing period of six months, no minimum period is laid down. Therefore, what length of time, say between one week and six months, is appropriate in any given case is a matter for the judgment of the Respondent. In this case the two deficiencies of the Applicant which troubled the Bank and which were brought to her notice were first, the unsatisfactory quality of her work and output, and second, the deficiencies in her character which jeopardized harmonious working relationships. The Applicant was not given a heavier workload during her testing period. Indeed, her workload was reduced. She was in the same familiar environment and should have had no problem of adjustment. Moreover, the Respondent could reasonably have concluded that a three-month period was adequate time for the Applicant to show improvement in her interpersonal relationships with her peers and superiors. Therefore, the Tribunal holds that the Respondent was not manifestly unreasonable in deciding that three months was an adequate period in which to demonstrate improvement or for a fair evaluation of her performance.
- 34. The Applicant further contends that, although she had good prospects for satisfactory performance elsewhere in the Bank, these were blocked by the unwarranted intervention of the Personnel Department and this, she argued, "was unfair and unreasonable." On the record it is difficult to see that the Respondent took any action that can be said to be either unfair or unreasonable. After her appointment was terminated the Applicant learnt of a vacancy in the post of Administrative Secretary in the Computer Technology Center. At an interview she appeared to have impressed the Acting Manager as well as one of the other senior members of the staff as a suitable candidate. But when the Manager learnt that the Applicant's services had been terminated by another branch of the Bank, he sought the advice of her personnel officer. The advice he received was that the Bank would be willing to reconsider the Applicant if she "was head and shoulders above all the other candidates." The Manager could not honestly say that the Applicant was head and shoulders above all the other candidates. So he excluded her from the list of candidates.
- 35. On these facts, it would be less than accurate to say that there was "unwarranted intervention" by the Personnel Department. That Department merely responded to a request for advice from the Manager. The Personnel Department did not entirely foreclose the Applicant's consideration. It knew that her employment had been terminated because she had performance problems, but was willing to reconsider its position with regard to her if she was superior to other candidates. This could not be shown.
- 36. Unless it can be said that the Personnel Department was not under a duty to ensure that only competent persons are recruited into its service, no valid objection can be taken to the position of the Personnel Department on this matter. In Mr. X, Decision No. 16 [1984], where an oral offer of a position was withdrawn after the Personnel Department expressed concern that the Applicant's file had not been reviewed before the offer was made, the Tribunal observed:

For the Personnel Department to remind the relevant Department that before formalizing an oral offer of employment, it should take into account the entire record of employment within the Bank of prospective candidates constitutes a proper administrative action. [para. 42]

By the same token the personnel officer's advice to the Manager to refrain from considering, so to speak, a tainted candidate unless she was superior to taintless ones, was a proper administrative action.

37. The Applicant also argues that in the light of the excellent performance record she had prior to joining EM41E,

It is ... not consistent with the requirement of fair and reasonable procedure, to have acted as the Respondent has done in March 1988 and thereafter.

Although the Applicant puts her objection in this part of the case to lack of "fair and reasonable" procedure, actually she is contesting the decision by management to invoke Staff Rule 7.01, para. 11.02, to subject her to a three-month performance evaluation. It is that decision that was taken in March 1988.

- 38. Accordingly, the question that falls for decision here is whether management acted unfairly or unreasonably in deciding that the Applicant's work should be evaluated during the three-month period. It is clear from the record that the quality of her work was thought to be unsatisfactory by a number of her supervisors. More important still, her ability to work harmoniously with her peers or superiors was, to put it mildly, debatable. This was because she took a rather generous view of her own ability and thus disabled herself from appreciating the need for improvement. In those circumstances it was the plain duty of management to apprise her not only of its dissatisfaction with her performance, but to proceed to an evaluation of her work within the true intendment of Staff Rule 7.01, para. 11.02. The Tribunal is unable to accept that there is anything unfair or unreasonable about the Respondent's decision.
- 39. The Applicant also argues that the termination of service which the Respondent imposed on her was wholly out of proportion to whatever lapses may have been found in her work. She therefore stigmatizes it as "not fair and reasonable." But the Tribunal's view is that the Applicant does not and cannot contend with any plausibility that termination of the employment of an employee whose performance was adjudged unsatisfactory and who failed to avail herself of an opportunity to improve, must be unreasonable. Nonetheless, the Applicant asserts that she worked satisfactorily in different units of the Bank for almost three and a half years, and her so-called unsatisfactory performance of barely seven months at EM41E should not have attracted the sanction of termination of service. As to this the Tribunal agrees that the penalty should bear a reasonable relation to the "offence." In <u>Gregorio</u>, Decision No. 14 [1983], para. 47, this Tribunal held that:

The Tribunal has the authority to determine whether a sanction imposed by the Bank upon a staff member is significantly disproportionate to the staff members offence, for if the Bank were so to act, its action would properly be deemed arbitrary or discriminatory.

40. It is admitted by the Respondent that the Applicant's performance in AGREP was consistently good. That may well have been the reason why, when that unit was disbanded in the Reorganization she was selected in Round 1 of the selection process. But soon after her appointment to her new unit, significant deterioration was noticed in her work. Practically all her supervisors were anything but satisfied with her performance with regard both to her technical competence and working relationships. She received warnings which she failed to heed. The Respondent then decided to invoke the procedure which put her on formal notice that her removal from the unit and consequent termination were distinctly probable. The conclusion of her Division Chief after the evaluation was:

that Ms. Georgiev's performance in the evaluation period has fallen far short of the requirements of the division and of the stated performance improvement objectives.

On these facts, it would hardly make sense to say because she worked satisfactorily in another unit for some length of time in the past, she should be spared the sanction which her present continuing and unremedied default deserves. The Tribunal concludes that the sanction of termination of service was not significantly disproportionate to her offence and rejects the Applicant's contention on this score.

41. The Tribunal must now address the issue which seems to be the gravamen of the application, namely the exercise of the Bank's managerial discretion not to reassign her. The Applicant concedes, as indeed she could not dispute, that the Respondent owed no duty to reassign her. She says:

Applicant has never asserted that the Bank had "an absolute duty" to reassign her but under the circumstances of her case, a reassignment would have been the only fair and reasonable measure.

If the Applicant has, <u>ex concessis</u>, no legal right to reassignment, then whether she should be reassigned or her employment terminated would be purely a matter for managerial discretion which, if exercised either way, would be valid, unless it was discriminatory, arbitrary or improperly motivated.

42. The Acting Vice-President, Personnel, did give some thought to the question of the Applicant's reassignment but decided against it and in the process, stated:

Given the nature of Ms. Georgiev's difficulties, the fact that they have been called to her attention, repeatedly, and the fact that she will not accept any responsibility for the situation, it is not reasonable to believe training in interpersonal skills nor placement in another area of the Bank will alleviate the problem.

Having referred to other observed failings of the Applicant, the Acting Vice-President concluded with these words: "For the above mentioned reasons, I believe Ms. Georgiev's employment with the Bank should be terminated." This decision was implemented and thus a curtain was finally drawn on the Applicant's tenure at the Bank.

- 43. She takes issue with this and seeks:
 - (a) specific performance of reemployment by the Bank;
 - (b) compensation for the harm done to her by the unlawful action of the Respondent; and
 - (c) reinstatement in a regular staff position.

The Applicant, in effect, invites the Tribunal to substitute its discretion for that of the Bank. According to well-established jurisprudence this is not permissible save in certain very limited cases. In <u>Broemser</u>, Decision No. 27 [1985], para. 31, this Tribunal gave clear expression to this principle with the following words:

The essence of the present case is a challenge by the Applicant to the validity of the decision terminating her employment with the Bank. That the Bank has the power to terminate a staff member's employment for unsatisfactory performance, there is no doubt. The exercise of this power is a matter within the Bank's discretion and its appraisal in this respect is final unless the decision constitutes an abuse of discretion being arbitrary, discriminatory, improperly motivated or carried out in violation of a fair and reasonable procedure

The Tribunal's earlier decisions in <u>Saberi</u>, Decision No. 5 [1981], para. 24; <u>Suntharalingam</u>, Decision No. 6 [1981], para. 27, reiterate the same principles.

44. In various parts of her application, the Applicant sought to get round the Tribunal's oft reiterated statement of principle by claims that the Bank's exercise of discretion was vitiated on the ground that it was arbitrary, discriminatory, improperly motivated or carried out in violation of fair and reasonable procedure. These claims are not borne out by the record. The Tribunal considers that the various assessments of the Applicant's performance by her superior officers of all grades, Division Chiefs, Directors and supervisors, were all made in the course of their duties and were fair and reasonable. Accordingly, the Respondent's decision to terminate the Applicant's appointment constitutes a valid exercise of managerial discretion.

Decision:

For these reasons, the Tribunal unanimously decides to dismiss the application.	
Prosper Weil	
/S/ Prosper Weil President	
C. F. Amerasinghe	
/S/ C.F. Amerasinghe Executive Secretary	
At London, England, September 28, 1990	