



World Bank Administrative Tribunal

2017

Order No. 2017-1

**Etienne Nkoa,
Applicant**

v.

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

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

**Etienne Nkoa,
Applicant**

v.

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

1. This order is rendered by a panel of the Tribunal, established in accordance with Article V(2) of the Tribunal's Statute, and composed of Judges Stephen M. Schwebel (President), Abdul G. Koroma, and Marielle Cohen-Branche.

2. The Applicant submitted his Application on 12 April 2017. As the Applicant failed to meet the requirements of Rule 7 of the Tribunal's Rules, the Acting Executive Secretary of the Tribunal returned the Application to the Applicant for correction. On 31 August 2017, the Tribunal received a corrected version of the Application.

3. The Applicant worked for different Country Offices of the Bank as a Senior Financial Management Specialist, Level GG, from June 2005 until his resignation in August 2009. His appointment was subject to local recruitment. In his Application, the Applicant claims that the Bank owes him past employment benefits corresponding to internationally recruited staff. The Applicant claims that although he was hired as a locally recruited staff member, the work he performed, including the frequency of his travels, was congruent with an internationally recruited staff member. He also claims that he assumed significant travel and health risks while working on Bank projects in different Fragile and Conflict-Affected States for which he should have been compensated. Furthermore, the Applicant contends that he should have never been classified as a locally recruited staff member because he was recruited in Cameroon and is a Cameroonian national, but was placed to work in other Country Offices.

4. In this Application, the Applicant does not invoke any obligations in support of his contentions. In his Application, the Applicant notes "[f]rom June 2005 to July 2009" as the date of the occurrence of the event or date of decision giving rise to this Application. The Applicant also states "21 June 2005" as the date of receipt of notice.

5. Article II, paragraph 2 of the Tribunal's Statute provides:

No such application shall be admissible, except under exceptional circumstances as decided by the Tribunal, unless:

- (i) the applicant has exhausted all other remedies available within the Bank Group, except if the applicant and the respondent institution have agreed to submit the application directly to the Tribunal; and
- (ii) the application is filed within one hundred and twenty days after the latest of the following:
 - (a) the occurrence of the event giving rise to the application;
 - (b) receipt of notice, after the applicant has exhausted all other remedies available within the Bank Group, that the relief asked for or recommended will not be granted; or
 - (c) receipt of notice that the relief asked for or recommended will be granted, if such relief shall not have been granted within thirty days after receipt of such notice.

6. The Tribunal observes that the Applicant's employment with the Bank ended in August 2009. Eight years passed before the filing of this Application. The Tribunal further observes that the Applicant has not shown that he exhausted the internal remedies available within the Bank, neither has he presented any exceptional circumstances to justify his failure to file the Application with the Tribunal in a timely manner.

7. For all the above reasons, the Tribunal finds that the requirements of Article II of the Tribunal's Statute have not been met and that the Application is clearly irreceivable.

DECISION

The Application is summarily dismissed.

/S/ Stephen M. Schwebel

Stephen M. Schwebel

President

/S/Zakir Hafez

Zakir Hafez

Acting Executive Secretary

At Washington, D.C., 25 October 2017