



**World Bank Administrative Tribunal**

**2009**

**No. 406**

**Shyamalendu Pal (No. 2),  
Applicant**

**v.**

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

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

**Shyamalendu Pal (No. 2),  
Applicant**

v.

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

1. This judgment is rendered by a Panel of the Tribunal established in accordance with Article V(2) of the Tribunal's Statute, composed of Jan Paulsson, President, and Judges Zia Mody and Francis M. Ssekandi. The Application was received on 30 April 2009.
2. This case deals with the Applicant's claim that the Bank denied him an accurate employment history by not filling the apparent gaps in the official records of his employment.

FACTUAL BACKGROUND

3. The Applicant began working for the Bank in 1974. After several consultancy assignments, he became a Regular staff member in March 1988 and thereupon commenced his participation in the Staff Retirement Plan ("SRP") for the remainder of his career at the Bank. He retired pursuant to a Mutually Agreed Separation in December 2004.
4. Before March 1988, the Applicant was not eligible to participate in the SRP under the then existing Staff Rules because he was not a Regular staff member; his prior service did not count towards pension benefits. However, in the aftermath of the Tribunal's judgment in *Prescott*, Decision No. 253 [2001], the Bank decided to grant past pension credit to Non-Regular Staff ("NRS") meeting certain criteria. This policy change was approved by the Executive Directors on 17 September 2002. The resulting changes to the SRP were likewise approved by the Board on 12 December 2002, and became Schedule F

of the SRP. Under the new policy, the two relevant conditions for eligibility for NRS past pension credit were as follows:

- i. eligible staff must have 731 calendar days or more of continuous NRS service (defined as Long Term Consultant ["LTC"], Long Term Temporary ["LTT"], Local Long Term Consultant, or Local Long Term Temporary appointments) prior to 15 April 1998; and
- ii. any breaks in service (meaning either no employment by the Bank or Short Term Consultant ["STC"] or Short Term Temporary appointment) of 121 or more days will disqualify prior NRS past pension credit accrual.

5. Subsections 1.1(l)-(m) of the SRP as amended provided in relevant part:

For periods of employment before April 15 1998, "Long Term Consultant" means a staff member of the Employer holding a Consultant appointment, the initial duration of which was six months or longer, and which provided for the accrual of annual leave and for compensation stated as a monthly or annual amount.

For periods of employment before April 15, 1998, "Long Term Temporary" means a staff member of the Employer holding a Temporary appointment, the initial duration of which was six months or longer and which provided for the accrual of annual leave and for compensation stated as a monthly or annual amount.

6. Human Resources ("HR") reviewed the career records of the Applicant to determine his eligibility for past pension credit. HR found that the Applicant had had a break in his NRS employment of more than 120 days immediately prior to 1 January 1983 (i.e. from August to December 1982) during which the Applicant had worked as an STC. It therefore concluded that only the Applicant's NRS service as an LTC from 1 January 1983 until 1 March 1988 would be considered for past pension credit. HR informed the Applicant of its decision in September and November 2002.

7. In November 2004, while cleaning out his office in preparation for retirement, the Applicant found payroll statements for July and August 1982, and original time sheets for

September through December 1982. The Applicant brought these documents to the attention of HR, believing that they constituted evidence of his status as an LTC during the period in question. On 8 December 2004 the Program Manager, Human Resources Service Center (“HRSCC”), informed the Applicant that the documents would not establish on their face that his break in service in late 1982 was shorter than 121 days and that HR had therefore decided not to reopen his case.

8. After pursuing his claim unsuccessfully with the Appeals Committee, the Applicant filed his first application with the Tribunal in which he claimed that the Bank acted arbitrarily and unfairly when it denied him past pension credit for his service prior to 1 January 1983. The Bank raised a jurisdictional objection which the Tribunal dismissed in *Pal*, Decision No. 359 [2007]. On the merits, the Tribunal only examined “whether the documents provided [by the Applicant] in 2004 in and of themselves commanded a conclusion different from the Bank’s 2002 determination regarding the Applicant’s employment status in late 1982.” (*Pal*, Decision No. 365 [2007], para. 35.) It concluded that the documents submitted in 2004 did not establish that the Bank had acted arbitrarily in deciding that the Applicant had a break in his NRS employment of more than 120 days immediately prior to 1 January 1983.

9. On 9 July 2007 the Applicant wrote to the Program Manager, HRSCC, to ask him to update his entire employment history following the decision of the Tribunal. The Program Manager responded on 10 July 2009 that if the Applicant’s status in 1982 was to become an issue again, “the Tribunal decision can speak for itself.” On 12 July 2007 the Applicant sent another e-mail message stating that

the then non-significant turn of events cost me so dearly in my pension 25 years after the fact through none of my fault or knowledge. I have some

incorrect gaps in my employment history that can run me into trouble from unforeseen quarters. I should have a corrected history.

10. In a subsequent e-mail message to the Applicant dated 13 July 2007, the Program Manager, HRSCC, reiterated that the Applicant's job history was correct. He added:

The Bank did not record short term consultancies or short term temporary appointments for any staff member in our Personnel System until the 1990s, and we are not going to start adding this information manually on request by individuals. You can augment any questions from any unforeseen quarters with your consultant appointments file and the appointment letters and documentation therein.

11. The Applicant responded to the Program Manager on 24 July 2007 and, referring to his assignments in the 1970s and particularly the period between 1978 and 1980, insisted that his job history was not correct. He added that "[i]t is an obligation of the institution to provide a correct job history for its staff."

12. In his last e-mail message to the Applicant dated 24 July 2007, the Program Manager stated "[m]y final answer is that we have to agree to disagree on this." He pointed out that there was no chance that any of the alleged discrepancies would have any impact on the Applicant since he was retired and since his Tribunal case had been dismissed. He concluded:

if you wish to prepare a detailed file memorandum for your career file stating the ways in which you believe your career history is inaccurate, we would simply ensure that it is placed in your career file.

13. The record does not show that the Applicant availed himself of this opportunity. Instead, the Applicant commenced communications with the Tribunal's Secretariat in late August 2007 in order to get clarification of the "Tribunal's arguments." He was informed that the Tribunal's judgments were final and without appeal and that the Secretariat should not be asked to interpret the Tribunal's judgments. He again asked the Program Manager

on 13 September 2007 to reconsider his case. The Program Manager responded that the Tribunal had issued its final judgment and that the matter was now closed.

14. On 24 September 2007 the Applicant wrote to the Acting Vice President, HR (“HRSVP”), asking for reconsideration of his case. On 2 October 2007 she responded that she had no authority to review Tribunal judgments, which were final and without appeal.

15. The following day the Applicant filed an appeal with the Appeals Committee challenging the Program Manager’s decision of 24 July 2007 not to update the Applicant’s record in the Bank’s computerized database (“Peoplesoft”) to reflect accurately his Bank “employment history.” After dismissing the Bank’s jurisdictional challenge, the Appeals Committee found that the Bank’s decision not to update the Applicant’s Peoplesoft history to reflect the Applicant’s work for the Bank during the periods June 1978 through December 1979 and August through December 1982 was not arbitrary or discriminatory and that the Bank had followed the applicable procedures. On 21 January 2009 the Managing Director accepted the Committee’s recommendations that the Applicant’s requests be denied. The Applicant filed an application with the Tribunal on 30 April 2009 requesting that the employment records correctly reflect his actual employment history with the Bank.

16. The Bank raised a preliminary objection to the admissibility of the Application, and the Applicant filed a Reply thereto. By order dated 30 July 2009, the President of the Tribunal decided to join the Bank’s preliminary objection to the merits and set the time limits for the submission of further pleadings.

#### THE PARTIES’ CONTENTIONS ON THE PRELIMINARY OBJECTION

17. The Bank states, first, that the Applicant's plea to have all of his pre-1983 consultant appointments reflected in his employment history in Peoplesoft is likely a precursor to an attempt to relitigate his employment status during the fall of 1982, a matter that was resolved and closed in *Pal*, Decision No. 365 [2007]. The Application should therefore be dismissed as *res judicata*. Furthermore, it points out that since the Tribunal's decision regarding the Applicant's status in late 1982 was final, no useful purpose would be served in determining whether or not any of the Applicant's appointments before August 1982 might be classified as LTC appointments.

18. Alternatively, the Bank alleges that the Application should be dismissed because it does not describe any damage. The Bank points out that in the extremely unlikely event that the Bank were to decide to accord in the future new benefits for retirees based on short term appointments dating back before 1983, the Applicant may have a right to pursue a grievance if the Bank fails to honor any new obligations owed to him. Until then, the Applicant does not have a claim that is ripe for adjudication.

19. The Applicant states that the Bank is wrong regarding both reasons on which it bases its request that the Application be dismissed on jurisdictional grounds. He states, among other things, that the Bank misrepresents his position. He explains that he seeks to understand the standards applied by the Bank in maintaining staff members' employment history and whether those standards are applied consistently. He also alleges that it is not necessary to demonstrate harm in order to proceed with an appeal or an application. The Tribunal has recognized the concept of intangible harm in many of its decisions and in those decisions awarded relief to applicants even when they suffered no financial harm or adverse employment consequences.

## THE PARTIES' CONTENTIONS ON THE MERITS

20. The Applicant mainly contends that errors of omission to his employment record have created undesirable and incorrect gaps in his employment history. In this respect, the Applicant claims that there is no entry in Peoplesoft showing that the Applicant was employed by the Bank (a) from 11 August 1976 to 1 January 1980 and (b) from 1 August 1982 to 2 January 1983.

21. The Applicant believes that there were errors in the earlier records of his employment which he has proved and assumes that there are errors in other places as well. The Applicant requests the Tribunal to review the relevant facts presented in this Application and reconcile them with the determinations by the Bank to see if errors had been made during the transfer of records from the previous electronic employment database to Peoplesoft.

22. Furthermore, the Applicant disagrees with the Bank's argument that the sole purpose of the employment history is to determine eligibility for past pension credit. He contends that his employment history should reflect his true employment record during his tenure in the Bank, and the benefits should be based on the employment history and not the other way around.

23. The Bank responds that it is not disputed that the Applicant did hold the appointments in question, and that documentation of these appointments has been "retained indefinitely" in the Bank's paper files, consistent with Staff Rule 2.01, Section 7. It reasons that it has fully observed its obligations to the Applicant in regard to retention of employment records.



24. The Bank states furthermore that there are no inaccuracies in the paper records, since the retained documents speak for themselves regarding the terms of his various appointments. It adds that the existence of the Applicant's appointments can be established in many ways. First, the Bank would not hesitate to confirm the existence of these appointments or provide copies of the actual appointment letters to anyone, if the Applicant so requests. Second, the decision in *Pal*, Decision No. 365 [2007] discusses the 1982 appointment in great detail and is accessible on the Internet. Third, the Applicant was offered the opportunity to write an explanatory memorandum that could be placed in his paper personnel file, but he declined.

25. The Bank reiterates that the distinction between LTC and STC appointments was only material with regard to the past pension exercise.

#### THE TRIBUNAL'S ANALYSIS AND CONCLUSIONS

26. The Applicant is challenging the failure of the Bank to include two employment periods in its records: (a) from 11 August 1976 to 1 January 1980; and (b) from 1 August 1982 to 2 January 1983. He claims that the Bank has denied him an accurate employment history and has not filled apparent gaps in its official records. In addition to a number of documents that he has attached to his Application supporting his claim, the Applicant has also attached a print out from Peoplesoft which indeed shows that the two periods described in his Application are not recorded in it.

#### THE PRELIMINARY OBJECTION

27. The Bank claims that the Application should be dismissed on jurisdictional grounds because (i) the Applicant fails to state a cognizable claim as he fails to allege any real harm stemming from the fact that two periods of employment before 1983 are reflected only in the Bank's paper files but not in the electronic database and (ii) the Application, at its

heart, concerns the very matter on which the Tribunal ruled in *Pal*, Decision No. 365 [2007], and should be barred by the doctrine of *res judicata*.

28. The first ground on which the Bank bases its preliminary objection is the failure of the Applicant to make a claim cognizable under Article II(1) of the Tribunal's Statute. The Tribunal notes that it is established in its jurisprudence that

[f]or jurisdictional purposes, as the Tribunal held in *McKinney*, Decision No. 183 [1997], paras. 13, 16-17, it is enough that the Applicant has "alleged" a plausible claim of contract violation and that it is tenable that "there are circumstances that warrant an examination of the merits of his allegations." It was there held by the Tribunal that "[i]t would be premature and improper for the Tribunal, by declaring this application inadmissible on the ground of jurisdiction *ratione materiae*, to deprive the Applicant of an opportunity to make his case. *N*, Decision No. 356 [2005], para. 20.

29. As the Tribunal held in *Naab*, Decision No. 160 [1997], para. 26, all that Article II requires is that the Applicant be a staff member of the Bank Group and that he present "any application" alleging non-observance of his contract of employment or terms of appointment. The question whether the Bank had an obligation under the Applicant's contract of employment and terms of appointment which it did not observe can be disposed of only after consideration of the substantive issues. (*See also Lysy*, Decision No. 211 [1999], para. 44 and *G (No. 2)*, Decision No. 355 [2006], paras. 31-33.)

30. The Applicant in this case is a former staff member of the Bank and as such has standing under Article II(3) of the Tribunal's Statute to present an application. Moreover, he has tenably alleged that the Bank has not observed his contract of employment and terms of appointment because it did not offer him an accurate employment history and has not filled apparent gaps in its official records. The Tribunal therefore has jurisdiction to

examine the Applicant's claim on the merits. The Bank's preliminary objection on this ground is unsustainable.

31. The second ground on which the Bank bases its preliminary objection is the doctrine of *res judicata*; it considers that the Application concerns a matter already reviewed in *Pal*, Decision No. 365 [2007]. This necessitates a review of the facts and claims presented in that decision *vis-à-vis* the facts and claims presented in the current Application. In its decision on jurisdiction in *Pal*, Decision No. 359 [2007], para. 50, the Tribunal "opened only a narrow door to determine whether the documents the Applicant sought to adduce in November 2004 in and of themselves created a basis for reaching a different conclusion as to his employment status in 1982." The object of the Applicant's challenge in that first application was the Bank's decision that only his NRS service as an LTC from 1 January 1983 until 1 March 1988 would be considered for past pension credit, because immediately prior to 1 January 1983 (from August to December 1982) he had worked as an STC and thus had had a break in his NRS employment of more than 120 days. The Tribunal found that the documents produced by the Applicant in support of his claim did not prove that the Bank's conclusion was arbitrary; on the contrary, these documents supported the Bank's view that the Applicant's LTC position was terminated on 8 August 1982. (*Pal*, Decision No. 365 [2007], paras. 36-38.)

32. In the current Application the Applicant appears to present a new claim, namely that the Bank failed to keep an accurate record of his employment. This claim appears different from his previous case in which he challenged the Bank's decision that his employment status before January 1983 did not qualify as NRS service eligible for past pension credit. The Tribunal finds that the first period of employment described in the

present Application (11 August 1976 to 1 January 1980) has not been the subject of review by the Tribunal in its previous decision in the Applicant's first case and is therefore not barred by the doctrine of *res judicata*. With respect to the second period described in the present Application (1 August 1982 to 2 January 1983), the new claim relating to inaccuracies in his employment history has not been reviewed by the Tribunal in its previous decision and therefore is also not *res judicata*.

33. Nevertheless, it does appear that the Applicant, as part of his main claim of inaccuracies and gaps in his employment record, is attempting to litigate again the nature of his appointments from August through December 1982. In the present Application, the Applicant asserts that he was employed as an LTC during the second period under review (at least from 1 August until 6 October 1982), and that it should be included in Peoplesoft as such. He also comments on the documents already reviewed by the Tribunal regarding his employment status during the latter part of 1982, claiming that the Bank was wrong in its classification of such appointments and that the Tribunal did not review the totality of the relevant facts in its previous decision.

34. The Tribunal has stated that previously adjudicated claims that an applicant attempts to submit again in another application are "irreceivable under the principle of *res judicata*." (*Madabushi*, Order No. 2002-10 [2002], para. 4.) The classification of the Applicant's appointments during the latter part of 1982 is a matter that the Tribunal has already examined in *Pal*, Decision No. 365 [2007]. The Tribunal will therefore not entertain any attempt by the Applicant to have this period re-examined now for the purpose of making a new determination as to the nature of the Applicant's appointments during such period. Furthermore, the Applicant has not produced any new evidence that would

justify a revision of its previous judgment under Article XIII of the Tribunal's Statute. As the Tribunal held in *Kwakwa (No. 2)*, Decision No. 350 [2006], para. 19

[u]nless some restrictive principle fulfills a rigorous screening function, the availability of revision would subvert a fundamental rule of tribunals such as this one: namely that its judgments are definitive. To ensure that Article XIII does not wreak havoc with the rule of finality, enshrined in Article XI, the former must be recognized as available only in exceptional circumstances. The "new fact" must shake the very foundations of the tribunal's persuasion; "if we had known that," the judges must say, "we might have reached the opposite result."

#### MERITS

35. The Tribunal will consider (i) whether there were inaccuracies in the Applicant's employment record during the first period under review and (ii) whether the Bank had an obligation to include all the appointments from both periods under review in Peoplesoft.

#### *Whether there were inaccuracies in the employment record from 1976 to 1980*

36. An examination of the first period of the Applicant's employment described in his Application shows that even though the Applicant claims that his employment record from 11 August 1976 to 1 January 1980 was not included in Peoplesoft, he does not produce any evidence of appointments during the first stage of that period (August 1976 to June 1978). Furthermore, he has not raised any claims regarding this first part of that period before the Appeals Committee or before the Tribunal. No dispute arises therefore regarding the Applicant's employment prior to 19 June 1978. The dispute arises regarding the period 19 June 1978 to 1 January 1980. However, a review of the paper records existing from that period does not show any "inaccuracies." On the contrary, the documentation produced by the Applicant, such as letters of appointment and statements from his then manager, clearly shows that the Applicant was indeed employed as a Researcher by the Bank from 19 June 1978 to the end of June 1979 when his appointment was extended for another seven

months until 31 January 1980. The Bank does not dispute that the Applicant was in fact employed during that period according to the terms of his letters of appointment. Nor is the Applicant alleging that his paper files in the Bank do not include such documentation. Clearly, therefore, the Applicant's claim regarding "inaccuracies" in his employment record for that period is centered on the non-inclusion and classification of such appointments in Peoplesoft.

*Whether the Bank had the obligation to include all the appointments in Peoplesoft*

37. The next question is whether the Bank had a duty to include the appointments with their correct classifications from both periods under review in Peoplesoft and whether by failing to do so it created an inaccurate history with gaps in the Applicant's official employment records. This calls for an examination of what constitutes official employment records as well as the purpose of Peoplesoft.

38. The Bank has explained that Peoplesoft, the Bank's current computerized employment database, was established in 1995 and was not intended to be an all-inclusive system covering all historical employment records. Apparently, the Bank had maintained some form of computerized personnel data since 1968 or 1969. Upon migration to Peoplesoft, HR transferred only past data already contained in previous computer systems, but did not manually enter all of the non-computerized employment data for transient and Non-Regular appointments dating back to the Bank's inception in 1944, because doing so would have been a "huge, costly, and mostly useless undertaking." The Bank explains further that it limited manual entry of data to Non-Regular appointments such as STCs on or after July 1993, which was the cut-off date. For the Non-Regular appointments before the cut-off date that were not recorded in previous computer systems, the Bank states that

it is sufficient under Staff Rule 2.01, Section 7, that records be maintained indefinitely in paper files. The Bank points out that no-one besides the Applicant had complained about this practice.

39. The Bank also explains that the distinction between LTC, LTT and STC appointments was material only with regard to the past pension exercise. Definitions of these terms were developed and incorporated into the SRP for the specific and limited purpose of determining eligibility for, and the extent of, past pension credit. In this respect, the Bank states that during the past pension credit exercise it was aware that Peoplesoft might not reflect all appointments which fit within the definitions of LTC and LTT appointments. For this reason, paper files of Non-Regular appointments were also reviewed and the input of staff members, including the Applicant, was solicited in order to determine past pension eligibility. Under the terms of the SRP, past pension credit was only granted for continuous service as LTC or LTT and service prior to a break in service of more than 120 days was disregarded. Accordingly, the examination of employment records in 2002 only went as far back as the participant's latest break in service; pre-break Non-Regular appointments were not classified as LTC, LTT or STC. The Bank stresses that it did not modify its record retention policy for such appointments.

40. The Applicant takes issue with the Bank's statement that "the Peoplesoft database does not include any short term consultant appointments before 1993." He states that this is incorrect and claims that some of his STC appointments before 1993 were included in Peoplesoft while others were not. The Applicant also disagrees with a claim that the Bank has allegedly made according to which Peoplesoft records only capture LTC and Regular appointments, and that this is the reason for the gaps in his case. The Applicant states in

this respect that the appointments he held from June 1978 to January 1980 and from August 1982 to at least 6 October 1982 were LTC appointments and as such should have been included in Peoplesoft. He also argues that since the Bank had conceded that he had been employed in some capacity from 7 October 1982 until the end of December 1982, such appointments should have also been included.

41. The Tribunal finds that the Bank has reasonably explained its policy regarding recordkeeping of paper and computerized files and the reasons for not including in the past certain appointments in its computerized database. The Tribunal stated in *Eindhoven*, Decision No. 23 [1985], para. 43, that: “So long as the Bank’s resolution and policy formulation is not arbitrary, discriminatory, improperly motivated or reached without fair procedure, there is no violation of the contract of employment or of the terms of appointment of the staff member.” The Tribunal does not find that the application of this policy to the Applicant violated his contract of employment or terms of appointment.

42. Regarding the alleged inconsistencies in Peoplesoft, the Tribunal notes that the inclusion of some of the Applicant’s pre-1993 appointments in Peoplesoft even though they were of a short-term duration, as he claims, can be reasonably attributed to the fact that such entries which already existed in previous computer systems, were transferred by HR upon migration to Peoplesoft. Others which were not in such previous computer systems were not so transferred, especially as they were of a transient and non-regular nature. It is also possible that a number of the Applicant’s earlier appointments which might have been classified as Long Term under the 2002 SRP definitions had not been included in Peoplesoft because they were not already included in the previous computer systems. As the Bank explained, in 2002 it solicited staff members’ input and reviewed



paper files in order to determine if their appointments qualified as LTC appointments in the context of the past pension exercise.

43. It is obvious from the Bank's treatment of paper files during the past pension exercise as well as the Bank's explanations that the main source of the employment history of staff members are the paper files which are indeed to be consulted (and had been so consulted in the Applicant's case) when there are alleged discrepancies, inaccuracies or gaps in the Bank's electronic database. This is confirmed by Staff Rule 2.01, paragraphs 1.03(f), 7.01 and 6.03 in effect at the time of the contested decision. Paragraph 1.03(f) provided:

Staff Records. The term "staff records" means a staff member's career file, which includes biographical and work history data, and the staff member's benefits, pension, payroll and tax files. Staff records do not include pre-appointment records or, except as otherwise provided in this Rule, working papers.

Paragraph 7.01 provided:

Personnel Action Forms, Personal History Forms, and benefits records, and documents related to such forms or records, shall be retained indefinitely.

Paragraph 6.03 of the same Staff Rule provided:

6.03 A staff member may submit a written request for the correction or clarification of the staff record to a member of the staff member's Human Resources Team if the staff member believes that the staff record is incomplete or incorrect. Such requests for correction or clarification shall be made a part of the staff record.

44. It is not disputed that existing documents that establish the Applicant's employment history during the periods under review in the current Application have been maintained in the Bank's paper files. Furthermore, consistent with paragraph 6.03 of Staff Rule 2.01, upon the Applicant's assertion that such records were not complete, the Bank gave the

Applicant the opportunity to submit documents both during the past pension exercise and on a more recent occasion. Indeed, when the Applicant requested on 24 July 2007 that the Program Manager, HRSCC, reconsider his case and update his Peoplesoft employment record, the Program Manager offered the Applicant the opportunity to prepare, for inclusion in his career file, a detailed memorandum explaining the ways in which he believed his career history was inaccurate. The Applicant, however, did not take advantage of this offer. The Bank therefore has fulfilled its obligation under Staff Rule 2.01, paragraphs 7.01 and 6.03 by maintaining paper records of the Applicant's employment history in his career file.

45. In any event, the Applicant has not established how he would benefit from the classification of his appointments as LTC, LTT or STC during the periods under review and their inclusion in Peoplesoft, or how their non-inclusion in Peoplesoft has caused him harm for which he should be compensated. The Tribunal notes that if in the future a question regarding his employment during the disputed periods were to arise, the paper records (which are already in his possession and in the Bank's paper files) as well as the Tribunal's judgments would serve as clear evidence of his employment history at the Bank. At this point in time, any claim of the Applicant for future harm is clearly remote and speculative.

46. It has been established in this case that the Bank has met its obligation under the Staff Rule and had no duty to update its Peoplesoft database, particularly in view of the explanations offered regarding the maintenance of such database. Still, the judgments in the Applicant's cases before the Tribunal demonstrate the difficulty of verifying the existence and nature of appointments over the years for different purposes. The Tribunal

underscores the importance of the Bank's obligation to maintain complete records of the staff members' career files, and of the benefit of making reasonable efforts to update its computerized database with respect to future appointments in order to reflect such files correctly.

DECISION

For the reasons given above, the Tribunal dismisses the Applicant's claims.

/S/ Jan Paulsson  
Jan Paulsson  
President

/S/ Olufemi Elias  
Olufemi Elias  
Executive Secretary

At Washington, DC, 7 October 2009