

Jorge Octavio Peña,
Applicant

v.

International Bank for Reconstruction and Development,
Respondent

Order No. 2002-13

1. The World Bank Administrative Tribunal, composed of Francisco Orrego Vicuña, President, Thio Su Mien and Bola A. Ajibola, Vice Presidents, and A. Kamal Abul-Magd, Robert A. Gorman, Elizabeth Evatt and Jan Paulsson, Judges, has been seized of an application, received on April 17, 2002, by Jorge Octavio Peña against the International Bank for Reconstruction and Development.
2. The Applicant seeks past pension credit for his service as a Non-Regular Staff (NRS). The application appears to have been based on information made available by the World Bank Staff Association, which states that former NRS, “whether they have already filed with the Appeals Committee or not, can file an appeal with the Administrative Tribunal.”
3. The Applicant attempts to found jurisdiction over his past pension benefit claims on the individual efforts of an applicant in an earlier Tribunal judgment, *Prescott*, Decision No. 253 [2001], to obtain redress for his own past pension benefit claims.
4. The application asserts that the *Prescott* judgment provides the relevant date on which the contested decision occurred, and on which notice of such decision was received. The application relies on Mr. Prescott’s efforts even more explicitly when it states that “Walter Prescott started with [the] PBAC, Appeals Committee and finally the Tribunal.” In addition, the Applicant lists the *Prescott* judgment as the contested decision whose rescission is requested.
5. The approach taken by the Applicant misperceives 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.
6. It is obvious on the face of the present application that the Applicant did not meet these standards by personally exhausting in a timely manner “all other remedies available within the Bank Group,” such as the Appeals Committee or Pension Benefits Administration Committee (PBAC). The Applicant has not presented any exceptional circumstances to justify his failure to exhaust prior internal remedies which are available. The application is on this basis clearly irreceivable.
7. Even had the Applicant exhausted prior internal remedies, the application would still be inadmissible on the ground that the Applicant has not founded his application on his own circumstances, but on those of Mr. Prescott. The Tribunal in *Prescott*, however, made it clear that Mr. Prescott’s claims were allowed only because of his personal efforts to exhaust internal remedies in a timely manner. The Tribunal emphasized in paragraph 18 of that judgment that it was “only because the Applicant has satisfied in a timely manner the indispensable jurisdictional requirements imposed by the Tribunal’s Statute that the Tribunal is now in a position to consider his claim on the merits.”
8. The Tribunal, moreover, emphasized the need for applicants to have personal standing before the Tribunal in *Agodo*, Decision No. 41 [1987], para. 22, wherein the Tribunal held that

Article II, para. 1 of the Statute expressly limits the kind of claim that a staff member is able to present to

the Tribunal. The staff member must allege non-observance of the employment contract or terms of appointment "of such staff member," that is, of the staff member filing the application. An application asserting a violation of some other staff member's contract of employment is clearly inadmissible under this provision.

9. For the above reasons, the application is clearly irreceivable.

Decision

The Tribunal decides that the application be summarily dismissed.

/S/ Francisco Orrego Vicuña

Francisco Orrego Vicuña

President

/S/ Nassib G. Ziadé

Nassib G. Ziadé

Executive Secretary

At London, England, May 24, 2002