

Decision No. 255

Marie-Thérèse Riddell,  
Applicant

v.

International Bank for Reconstruction and Development,  
Respondent

1. The World Bank Administrative Tribunal has been seized of an application, received on February 14, 2001, by Marie-Thérèse Riddell against the International Bank for Reconstruction and Development. The case has been decided by a Panel of the Tribunal, established in accordance with Article V(2) of its Statute, composed of Francisco Orrego Vicuña (President of the Tribunal), as President, Bola A. Ajibola (a Vice President of the Tribunal), A. Kamal Abul-Magd and Robert A. Gorman, Judges. The usual exchange of pleadings took place. The case was listed on August 13, 2001.

2. The Applicant claims that the decision not to include her on the shortlist for four Disbursement Analyst Positions for which she had applied and the decision to award her a below average merit increase in 1999 were a result of retaliation against her and constituted an abuse of discretion.

3. The Applicant joined the Bank in 1981 as a level B Secretary in the Europe, Middle East and North Africa Projects Department. By 1994, the Applicant was designated level 16 Office Administrator in the Loan Accounting & Borrowing Services Division (LOALA) of the Loan Department (LOA), a position that she held until she left the service of the Bank with a redundancy package on July 3, 2000.

4. In 1994, the Applicant began to study for a Bank-financed accounting degree at the University of Maryland. Such a degree carried with it a greater prospect of qualifying the Applicant for an Accounting or a Disbursement position in LOA.

5. In 1996, a Loan Administration Change Initiative (LACI) was conceived, whereby it was agreed that Disbursement positions would have a greater level of responsibility, requiring more rigorous selection criteria. The LACI was announced and implemented in July 1998.

6. In the meantime, in September 1997, the Applicant spoke out during a Bank forum about the under-representation of African and African-American employees in higher-level positions in LOA. The Applicant claims that, despite completing her accounting degree and receiving excellent annual performance and salary merit ratings from 1994 to 1997, she was denied the post of Disbursement Analyst which she considered to be a retaliation for having spoken out at the September 1997 Bank forum. The Applicant mentioned several examples of past retaliation which she never challenged in the past nor is she now challenging before the Tribunal.

7. On February 9, 1999, the Bank advertised four level 17-20 Disbursement Analyst positions. Two of the positions were being recruited by the Africa Region of the Loan Department (LOAAF); the other two positions were being recruited by the Latin American Region of the Loan Department (LOAEL). Among the main selection criteria listed, it was stated that a Certified Public Accountant (CPA) was "preferred," but that the successful candidate should have a "minimum" of a "bachelor's degree with a major in business administration, accounting, finance, or equivalent experience in related fields within or outside the Bank." Strong oral and written communication skills in French for the LOAAF positions and in Spanish for the LOAEL positions were additionally required.

8. On February 23, 1999, the Applicant applied for all four vacant positions. The Applicant was a native

speaker of French, had an Associate's degree (i.e., a two-year degree) in Spanish, and a Bachelor's degree in accounting. She was not a CPA at the time she applied for these vacant positions.

9. LOA created two committees (one for LOAAF and one for LOAEL) to review more than 200 applications that had been submitted, and to draw up a longlist of candidates which would then be submitted to the Operational Core Services (OCS) – Financial Management Board (the “Sector Board”) for short-listing. By a joint memorandum dated March 15, 1999, the Division Chiefs of LOAAF and of LOAEL notified the Applicant that her applications for the four positions were being reviewed. In the memorandum, it was emphasized that the “primary” selection criteria would be: “(i) preference given to applicants with a CPA or equivalent professional qualification, (ii) number of years of relevant work experience, and (iii) high level of proficiency in French or Spanish.”

10. The Applicant asserts that in late April 1999, her then immediate manager “took the unusual step” of telephoning her at home to inform her that she was on the *shortlist* of candidates for the LOAAF Disbursement Analyst positions, and that she would be interviewed for the positions. The manager claims that he had mentioned to the Applicant only that she was on the *longlist*.

11. It was not until May 6, 1999, that the LOAAF committee submitted to the Sector Board for short-listing a longlist of candidates for the two Disbursement Analyst positions in LOAAF. The Applicant was one of eleven candidates listed by the LOAAF committee.

12. With respect to the LOAEL committee, it submitted its longlist of candidates to the Sector Board on May 13, 1999. The Applicant was not among the six candidates listed for the LOAEL Spanish-speaking Disbursement Analyst positions. The list had been created by the Division Chief of LOAEL and two others, and was endorsed by the Director of LOA and Chairman of the Sector Board, thus becoming the “shortlist.” This shortlist was later reduced to four when one candidate was unable to undergo language testing and one candidate could not be located. Of the remaining four candidates, all of whom were fluent in Spanish, one had a Master's in Business Administration (MBA), one had a degree in biology (but had worked in disbursement for approximately eight years), and the other two either had an MBA degree or was a CPA.

13. The responsibility of creating a shortlist of candidates for the French-speaking LOAAF Disbursement Analyst positions was given to the Manager of Human Resources for OCS (hereinafter the “OCS-HRS Manager”). The OCS-HRS Manager, who was unfamiliar with LOA (as it was not his client) and who did not know any of the applicants, had been asked by the Sector Board to create a shortlist because those who otherwise would have taken on this task were unavailable at the time. In the matrix used by the OCS-HRS Manager, he evaluated the eleven candidates against the following selection criteria: (i) educational background; (ii) ability to analyze financial information; (iii) ability to work in an environment that requires continuous learning; (iv) strong oral and written communication skills in English and French; (v) proven ability to work in a fast-paced environment; (vi) ability to work effectively in a team; (vii) ability to work with minimum supervision; and (viii) ability to understand the Bank's procurement and contract monitoring procedures. The Applicant was evaluated as meeting all but the last two criteria. Of the eleven candidates, it appears that five had a Master's in Business Administration and one a Master's in Accounting.

14. On May 23, 1999, the OCS-HRS Manager sent to the Director of LOA his recommended shortlist of six candidates for the LOAAF French-speaking Disbursement Analyst positions, which did not include the Applicant. The Director of LOA agreed with the shortlist. The Applicant was informed on June 9, 1999, that she had not been short-listed for any of the four positions.

15. Thereafter, on June 18, 1999, the Applicant sent an e-mail (dated June 17, 1999) to the Vice President and Controller, Controller's Vice Presidency (CTR) (and copied to the Director of LOA among others), requesting an inquiry into unfair selection practices in LOA. The Applicant complained that the advertised Disbursement Analyst positions did not require a Master's degree or a CPA, and asserted that such criteria were imposed only as a means of marginalizing internal candidates, particularly secretaries, who had “relevant degrees, language abilities, and a wealth of knowledge of the Institution.” The Applicant also listed a “number of cases

and incidents whereby candidates have moved into or around CTR without going through the required (and grueling) experience of job competition, as required by Bank procedures.” The Vice President and Controller responded, on July 14, 1999, to the Applicant’s request for an inquiry. He stated that he had looked into all the allegations and had found them to be unsubstantiated.

16. In the meantime, the interviewing process was completed and two candidates were selected for the LOAAF positions and two candidates for the LOAEL positions. Of the two candidates who were selected for the LOAAF positions, the first had a Bachelor of Sciences degree in Business Administration and a Master of Arts degree in Accounting. The second had a Bachelor of Sciences degree in Business Administration and an MBA. Both had significant relevant experience.

17. As for the candidates who were ultimately selected for the two Spanish-speaking positions in LOAEL, one had an MBA and eight years of experience as a consultant on financial issues. The other candidate was a CPA, who was close to receiving her Master’s degree, and had seven years of experience as an accountant and a business consultant. Both candidates were native speakers of Spanish.

18. On August 31, 1999, the Applicant submitted to the Vice President and Controller a request for administrative review of the following two decisions: (i) the decision communicated to her on June 9, 1999 that she was not on the shortlists for any of the four Disbursement Analyst positions; and (ii) a decision communicated to her to give her a salary merit category rating of 3.2 for 1999, which corresponded to a 1.4% salary increase. The Applicant asserted that these decisions were retaliatory for her having spoken out about LOA’s hiring and recruitment practices.

19. On September 29, 1999, the Vice President and Controller responded to the Applicant’s request for administrative review. He concluded that both decisions had been fair and reasonable and had not been influenced by any of her past actions.

20. On November 24, 1999, the Applicant filed an appeal with the Appeals Committee against the two decisions. In the meantime, agreement between the Applicant and the Bank resulted in the Applicant leaving the Bank, effective July 3, 2000, with a redundancy severance package.

21. The Appeals Committee completed its report on October 23, 2000. It concluded that: (i) there had been nothing improper about the process followed by the Bank in short-listing candidates for the four Disbursement Analyst positions; and (ii) the Applicant’s salary merit rating and corresponding percentage increase for 1999 had been fair and objective. The Committee therefore recommended that the Applicant’s requests for relief be denied. The Bank accepted this recommendation. Dissatisfied with the outcome, the Applicant, on February 14, 2001, filed her application with the Tribunal.

## **Considerations**

22. In her application before the Tribunal, the Applicant contests the Bank’s decision to accept the Appeals Committee’s recommendation that her requests for relief be denied. By accepting the Committee’s recommendation, the Bank affirmed the original managerial decisions which the Applicant contested in her appeal before the Appeals Committee, namely: (i) the decision not to short-list her for any of the four Disbursement Analyst positions for which she had applied; and (ii) the decision to award her a “below average salary increase” in 1999. These are the two decisions that the Tribunal will review. The Tribunal will further address the claims of retaliation and unfair selection practices in LOA that the Applicant has also raised, which were the basis of alleged discrimination complained of with regard to the two decisions of the Respondent which the Applicant is contesting.

### ***Decision not to short-list the Applicant***

23. With regard to decisions to select staff members for positions, the Tribunal has held:

[A] decision by the Bank to select a staff member for a particular position rests within the Bank's discretion, and may be overturned by the Tribunal only when it concludes that this discretion has been abused. "The Administration's appraisal in that 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," *Suntharalingam*, Decision No. 6 [1981], para. 24. The Tribunal will not set aside a decision by the Bank unless it was "reached in an arbitrary manner, involving, for example, unfairness, failure to allow the Applicant to state his case, or other departures from established procedures, bias, prejudice, the taking into consideration of irrelevant factors or manifest unreasonableness," *de Raet*, Decision No. 85 [1989], para. 67.

(*Jassal*, Decision No. 100 [1991], para. 30.) It is clear from the above jurisprudence, that no staff member has a right to be selected to a particular position or to be included in a list of candidates for a position. The decision to select an applicant for a particular position, or to include him or her in a list of candidates, is discretionary and the Tribunal will not overturn such a decision unless it finds that it is tainted by bias or abuse of discretion.

### ***The two LOAAF Disbursement Analyst positions***

24. The Applicant claims in her pleadings that the selection process for the two LOAAF Disbursement Analyst positions was tainted because the Division Chief of LOAAF influenced the process. She believes that the Division Chief retaliated against her for having accused him by name of unfairness and discrimination in September of 1997 when she spoke out during a Bank forum about the under-representation of African and African-American employees in higher level positions in LOA. The Applicant alleges that this Division Chief asked the OCS-HRS Manager directly, and also through the Director of LOA, to reduce the longlist of 11 candidates for the two LOAAF Disbursement Analyst positions, in which list the Applicant was included, to a shortlist of six and to eliminate her name.

25. In support of her argument that the Division Chief of LOAAF had "manipulated" the list of candidates, the Applicant argues that her supervisor, the Acting Division Chief of LOALA, had called her at home in April 1999 to inform her that she had been included in the shortlist. The Acting Division Chief denied this in his testimony before the Appeals Committee. He testified that he had called the Applicant in April 1999 to announce that she was included in the longlist. Indeed, the Applicant's suspicion or confusion regarding the use of the term longlist or shortlist may be understandable, as in the case of the LOAEL Disbursement Analyst positions there appeared to be only one list consisting of the same six names of the candidates which served first as a longlist and then as a shortlist. The Tribunal finds credible, however, the explanation of the OCS-HRS Manager before the Appeals Committee that shortlists typically contain six candidates and that a list of eleven candidates is not a shortlist; accordingly, the LOAAF longlist would have to be reduced necessarily to six in order for it to be called a shortlist.

26. As to the Applicant's more substantive allegation that the LOAAF Division Chief unduly influenced the short-listing process, the Tribunal finds such allegation to be unsubstantiated. A review of the record shows that the Division Chief of LOAAF along with the Division Chief of LOAEL and five other members were part of the LOA Committee which long-listed the eleven candidates, including the Applicant, for the two positions in order for the Sector Board to review such list and create a shortlist. This is evident from the communication of May 6, 1999 from the Division Chief of LOAAF to the OCS-HRS Manager, in which the Division Chief of LOAAF asked that this longlist be sent to the Sector Board for its review and short-listing of the candidates. The Division Chief of LOAAF simply suggested that this shortlist consist of six candidates, which, as is apparent from the record, is the usual number of candidates to constitute a shortlist. Nowhere in the record does it appear that the Division Chief of LOAAF suggested that the Applicant should not be included as one of the six candidates in the shortlist. Furthermore, the Tribunal notes that the Division Chief of LOAAF was not a member of the Sector Board that took the decision on the shortlist.

27. Moreover, the record indicates that the Chairman of the Sector Board and Director of LOA, whom the Applicant accuses of having been pressured by the Division Chief of LOAAF to have her excluded from the shortlist, recused himself from the process explaining that as he was the manager of successful and unsuccessful candidates, he did not want to be involved. There is, therefore, no evidence of pressure or



influence by the Division Chief of LOAAF upon the Director of LOA that a shortlist be created without the Applicant's name in it.

28. More importantly, the Tribunal finds no evidence that the OCS-HRS Manager, who recommended the six candidates for the two LOAAF vacancies, was asked by anyone not to include the Applicant's name in the shortlist. In fact, the OCS-HRS Manager testified before the Appeals Committee that he was never under any pressure from anyone to exclude or include any of the applicants but that he created the shortlist by matching the experience and the background of the candidates against the selection criteria. The testimony of the OCS-HRS Manager is particularly credible, because, as he has explained, he was not the responsible human resources officer for the Loan Department and did not know any of the candidates.

29. It is significant to note, in this respect, that the Applicant, herself, admitted before the Appeals Committee, after hearing the testimony of the OCS-HRS Manager, that she did believe that there was no pressure in the selection process and that the OCS-HRS Manager went through the normal procedures and tried to find the best candidate. She explained, however, that she had been put in a position where she had to compete with candidates who either were CPAs or had Masters degrees when such qualifications were not necessary. She added that she knew that if the list were to be shortened, then she would probably be eliminated because she would not be able to compete against such highly qualified candidates. The Tribunal notes that the selection criteria for these particular positions stated, among other things, that a CPA was preferred and that a "minimum" of a Bachelor's degree with a major in business administration, accounting, finance, or equivalent experience in related fields within or outside the Bank was required.

30. In addition to the above, according to the job placement notices, it was to be expected that under LACI, the selection criteria for the new Disbursement Analyst positions were expected to be more rigorous. The imposition of rigorous selection criteria (for both the LOAAF and the LOAEL positions) did not in and of itself amount to an abuse of discretion, as this was consistent with the Bank's obligation under Principle 4.1 of the Principles of Staff Employment "to seek to attract staff members of the highest caliber appropriate to job requirements..." The Tribunal, in a previous case, held that this Principle and Principle 2.1(d) (which requires the Bank to provide staff members with security in their employment consistent with "efficient administration") justify the conclusion that "the Bank acts reasonably when it takes into consideration, in managing staff appointments ... [the] relative qualifications [of staff members] when weighed one against the other." (*Fernandes*, Decision No. 90 [1990], para. 29.) The Applicant, therefore, should have been reasonably aware that she might be at a disadvantage vis-à-vis candidates that had the qualifications and experience that she did not possess. This disadvantage, however, and the ensuing inability of the Applicant to be included in the shortlist do not reflect an abuse of discretion by the responsible officer for not selecting her when he reasonably matched the experience and background of candidates based on the selection criteria.

31. Notwithstanding her admission before the Appeals Committee that the process followed by the OCS-HRS Manager was proper, the Applicant further argues that the matrix prepared by the OCS-HRS Manager in his evaluation of the strengths and weaknesses of each candidate demonstrated that he conducted only a cursory review of the candidates and that he made judgments with no fundamental reasons to back up his suggestions. She claims, in particular, that the OCS-HRS Manager erred in finding that she lacked the necessary ability to work under minimum supervision and to understand the Bank's procurement and contract monitoring procedures. The Tribunal, in *Garcia-Mujica* (Decision No. 192 [1998], para. 13), held that "[t]he identification and definition of specializations is a matter that comes within the managerial discretion of the Bank as does the evaluation of the corresponding skills to perform these tasks."

32. In the present case, there is no evidence to suggest that the evaluation by the OCS-HRS Manager of the Applicant's skills was an abuse of discretion. The OCS-HRS Manager created a matrix using agreed-upon selection criteria, and then rated each candidate in the longlist against such criteria. In rating each candidate, the OCS-HRS Manager reviewed the candidate's application, curriculum vitae and, if the candidate was Bank staff, the performance evaluations for the previous two years. In the light of the above, the Tribunal concludes that there is no reason to doubt that the matrix exercise was anything but objective.

33. The Applicant further argues that one of the candidates selected for the LOAAF positions met only two out of the five selection criteria, whereas the Applicant met four out of five such criteria. The Tribunal finds from the record that the Applicant has misunderstood the matrix. It can be reasonably concluded that the selected candidate, as is apparent from his curriculum vitae and other documents, met all the selection criteria.

### ***The two LOAEL Disbursement Analyst positions***

34. Regarding the two LOAEL Disbursement Analyst positions, the Applicant believes that her qualifications justified her inclusion in the shortlist. The decision not to include the Applicant in the list of candidates for the two Disbursement Analyst positions in LOAEL was, like the decision not to short-list her for the two LOAAF Disbursement Analyst positions, a matter of managerial discretion with which the Tribunal will not interfere unless it is proved that such discretion was abused.

35. The Tribunal notes that while the LOAAF committee drew up a longlist of eleven candidates and that a recommended shortlist of six candidates was then drawn up by a neutral party (the OCS-HRS Manager) for submission to the Sector Board, the LOAEL committee did not follow the same process. Rather, the LOAEL committee's initial list of six candidates was simply endorsed by the Sector Board as the shortlist. However, there is no indication that this process was undertaken in an attempt to prejudice the chance of the Applicant on the list. To the contrary, the exercise appears to have been regular.

36. The Division Chief of LOAEL testified before the Appeals Committee that the Applicant was placed in the longlist of LOAAF because it was believed that she had an "edge" over the other candidates in the LOAAF longlist, as opposed to the candidates in the list for the LOAEL positions. Apparently, that decision was based on a comparison of the Applicant's qualifications, experience and background to the other candidates. The Tribunal does not find evidence of retaliation, prejudice or improper motive in this decision. Furthermore, it appears that the short-listed candidates were highly qualified.

37. Subsequently, it seems that because of the inability of two of the six short-listed candidates to be interviewed, the selection of the two LOAEL Disbursement Analysts was made among the remaining four. The two selected for the Disbursement Analyst positions were clearly highly qualified candidates, one having an MBA degree and the other being a CPA and both having several years of experience in financial and accounting matters. However, after one of the selected candidates was unable to take up the position, LOAEL management decided to offer one of the positions to another candidate on the shortlist.

38. The Applicant objects to that decision. She claims that the candidate who finally got one of the Disbursement Analyst positions in LOAEL was less qualified than her and suggests that the selection process for this position should have been re-opened. The Tribunal notes that, apart from the fact that this particular candidate had more years of relevant experience than the Applicant, that candidate was highly qualified to be included in the LOAEL shortlist in the first place. The Tribunal does not accept the Applicant's argument that the Bank had an obligation to re-open the selection process simply to give the Applicant the opportunity to compete again, when it could still choose from the list of those candidates that were short-listed.

### ***Decision regarding the merit increase***

39. The second decision that the Applicant contests is the decision of her manager, the Acting Division Chief of LOALA, to award her a "below average salary increase" in 1999. The award of a merit rating by a manager to his staff is a discretionary decision. As the Tribunal has held:

Deciding where to rank the staff member on a performance scale of 2 through 5, and then – taking account of the individual's salary zone – deciding whether the SRI [Salary Review Increase] should be a low percentage or a high percentage, are decisions that require familiarity with the work of all departmental staff members and the making of dozens of comparative qualitative judgments. These are prototypically discretionary decisions that are not to be readily overturned by the Tribunal.

(*Marshall*, Decision No. 226 [2000], para. 21.)

40. The Tribunal will review such decision only to determine whether there has been an abuse of discretion in that the decision was arbitrary, discriminatory, improperly motivated or carried out in violation of a fair and reasonable procedure. The Applicant states that since 1994 her merit category rating was above average in the merit category of 3 “fully satisfactory performance,” and, in fact, close to a merit category rating of 4 (i.e., 3.764 for 1994, 4.0 for 1995 and 3.961 for 1996) and that during the years 1997 and 1998 her merit category was a 4. However, she claims that she was given a “below average” rating of 3.2 in the 3 “fully satisfactory performance” merit category for 1999.

41. The Applicant attributes this lower merit rating in 1999 to retaliation on the part of her supervisor. She asserts that her supervisor retaliated against her for having sent a memorandum of June 17, 1999 to the Vice President and Controller, CTR, requesting an inquiry into unfair selection practices in LOA. The Applicant alleges that, before sending this memorandum, she had a friendly and courteous relationship with her supervisor, that he had promised her a good increase in the event she did not obtain any of the Disbursement Analyst positions and that he had suggested that the Applicant write a job description to elevate her grade if she was not selected as a Disbursement Analyst. The Applicant asserts that after she sent the controversial memorandum, her supervisor’s attitude toward her became “abusive,” he gave her the silent treatment, he offered her no opportunity to fill a developmental assignment in LOALA when opportunities arose, and gave her the contested merit increase.

42. The Tribunal does not find any clear evidence to support the Applicant’s claim that her supervisor retaliated against her. It appears that the Applicant’s 1999 merit rating was influenced by a number of factors. The Applicant’s supervisor testified before the Appeals Committee that he never promised anyone in his division that he would give them an above-average increase. He further testified that the Applicant’s merit rating was the same as one-third of the Division’s staff and was based on an evaluation of how the Applicant performed on her work program in 1999. The Tribunal notes that the Applicant’s manager was the only person in a position to take a decision on the Applicant’s performance and merit rating in comparison with her colleagues as he was the person most familiar with her work and the work of all staff members in the division.

43. As the Tribunal cannot find clear evidence of retaliation or other improper motive, it concludes that the decision on the Applicant’s merit assessment was not an abuse of discretion.

### ***Other claims***

44. The Applicant argues that the Bank failed in its obligation to train her and advance her career so that she could be selected for one of the Disbursement Analyst positions or for other positions. The Tribunal finds that this argument is without merit, as it was the Bank that funded the Applicant’s studies which led to her Bachelor’s degree in Accounting. This was presumably done to make the Applicant more competitive in her applications for future vacancies and to assist her in her career advancement from which the Bank itself stood to benefit.

45. The Applicant’s allegation that her 2000 salary increase was a product of retaliation is not properly for review before the Tribunal as the Applicant has not timely exhausted the internal remedies with regard to her manager’s decision on her 2000 merit increase. The same holds with respect to the Applicant’s claims that she was, as a result of retaliation, denied developmental assignments and promotions, inundated with work, undermined in her work, and treated unfairly by the new Director of LOA.

46. The Applicant states that she decided to negotiate a redundancy package because circumstances were so intolerable that any person in her position would have felt that she had no choice but to quit. Therefore, she makes a number of claims of relief related to her termination of employment with the Bank. The Tribunal notes that even if the Applicant decided to leave the Bank for reasons that, as she believed, justified her departure, she was never forced to do so. If the termination of her employment was involuntary and stemmed from grounds that she believed to be wrongful, she could have challenged the decision to terminate her employment and requested relief on the basis of such wrongful termination. The Tribunal finds that as the termination of the Applicant’s employment was voluntary and as the Applicant, herself, admits that she is not challenging her

redundancy, her claims for relief based on redundancy cannot be justified.

47. The Applicant repeatedly refers in her pleadings, as she did at the hearing before the Appeals Committee, to unfair employment practices in LOA over a long period of time. The new Director of LOA acknowledged in her testimony before the Appeals Committee that there were problems in the hiring practices in LOA during the time of the Applicant's employment there and that efforts had been made to change such practices. The Tribunal finds this acknowledgment disturbing. Although the Tribunal did not find evidence of abuse of discretion or retaliation in the two complaints contested by the Applicant, the possibility that unfair hiring practices could have affected the careers of staff members in the department is a cause for concern which ought to be investigated. The Appeals Committee recommended that an investigation into such practices be made, that wrongdoers be held accountable and that corrective action be taken to redress harms inflicted upon former and current staff members, including the Applicant. It is not evident from the record, whether such an investigation ever took place.

### **Decision**

For the above reasons, the Tribunal decides to dismiss the application.

/S/ Francisco Orrego Vicuña

Francisco Orrego Vicuña  
President

/S/ Nassib G. Ziadé

Nassib G. Ziadé  
Executive Secretary

At Washington, D.C., December 4, 2001