

**Manuel João Pedro Sumbana,  
Applicant**

v.

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

**Order No. 2005-2**

1. The World Bank Administrative Tribunal, composed of Bola A. Ajibola, President, Elizabeth Evatt and Jan Paulsson, Vice Presidents, and Robert A. Gorman, Francisco Orrego Vicuña, Sarah Christie and Florentino P. Feliciano, Judges, has been seized of an application, received on August 25, 2005, by Manuel João Pedro Sumbana against the International Bank for Reconstruction and Development.

2. The Applicant requests review of the Bank's decision not to confirm his Open-Ended appointment, on the basis that it "constitutes an abuse of discretion in that it was arbitrary." The Applicant formerly resorted to the Appeals Committee, whose Report, dated December 21, 2004, was mailed on December 23, 2004 to the Applicant along with a letter from the Acting Vice President of Human Resources accepting the Committee's recommendations.

3. By a letter dated September 16, 2005, the Tribunal requested both parties to provide evidence of the date on which the Applicant received the Appeals Committee Report in his case, as well as the Report's accompanying letter from Human Resources.

4. On September 19, 2005, the Applicant wrote to the Tribunal that he had received the Appeals Committee's Report and the accompanying letter from Human Resources on February 22, 2005. On September 22, 2005, the Respondent wrote to the Tribunal that the Bank's records reflected that these documents had been delivered to the Applicant's address on December 27, 2004.

5. Article II, paragraph 2(ii), of the Tribunal's Statute provides in relevant part:

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

(ii) the application is filed within one hundred and twenty days after ...

(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.

6. In this case, even if the Tribunal were to accept the Applicant's claim that he received the Appeals Committee's Report and the accompanying letter from Human Resources on February 22, 2005, the Applicant did not submit his application to the Tribunal within the 120-day limit required by the Tribunal's Statute. The Applicant has, moreover, not presented any evidence of exceptional circumstances to justify his failure to file his application in a timely manner. The application is on this basis clearly irreceivable.

**Decision**

The Tribunal decides that the application shall be summarily dismissed.

/S/ Bola A. Ajibola  
Bola A. Ajibola  
President

/S/ Nassib G. Ziadé  
Nassib G. Ziadé  
Executive Secretary

At Washington, DC, November 4, 2005