



World Bank Administrative Tribunal

2012

Order No. 2012-3

**Yang-Ro Yoon (No. 19),
Applicant**

v.

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

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

**Yang-Ro Yoon (No. 19),
Applicant**

v.

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

1. This order is rendered by the Tribunal in plenary session, with the participation of Judges Stephen M. Schwebel (President), Florentino P. Feliciano (Vice-President), Mónica Pinto (Vice-President), Jan Paulsson, Francis M. Ssekandi and Ahmed El-Kosheri.

2. The Application, the Applicant's nineteenth before the Tribunal, was received on 24 February 2012. The Applicant was represented by George Pieler, Attorney at Law. The Bank was represented by David R. Rivero, Chief Counsel (Institutional Administration), Legal Vice Presidency.

3. In this Application, the Applicant complains of a variety of actions and decisions, largely procedural, taken by a Peer Review Services ("PRS") panel and the PRS secretariat in the course of their review of PRS Request for Review No. 53.

4. The Applicant has filed two recent applications in which she complained about actions and decisions of the Appeals Committee in *Yoon (No. 11)*, Decision No. 433 [2010] and *Yoon (No. 12)*, Decision No. 436 [2010]. The Tribunal has previously stated that its jurisprudence on this subject applies equally to PRS, the Appeals Committee's successor.

5. In *Yoon (No. 12)*, the Tribunal confirmed the well-established principle that, while the Appeals Committee is "bound to follow basic requirements of fairness", the Tribunal "will not review procedural decisions or actions taken during the Appeals process in general, or the Appeals hearing in particular". It is also well-established that the Tribunal "is not an appellate body reviewing the proceedings, findings and recommendations of the Appeals Committee". (*Lewin*, Decision No. 152 [1996], para. 44.) The Tribunal does not review the manner in which PRS has dealt with a case before it. The role of PRS is to assist the management of the Bank to determine for itself whether there has been a failure on the part of the Bank. If a staff member is

not satisfied with the outcome of the PRS process, he or she may file an application with the Tribunal, which will review such an application *de novo*.

6. As the Tribunal has stated, its “function is not to assess the regularity of the process that leads to an Appeals Committee recommendation, because that recommendation is of no moment in the Tribunal’s assessment of the legal merits of any application”. (*Yoon (No. 4)*, Decision No. 317 [2004], para. 22.) Three of the leading judgments of this Tribunal regarding the review of procedural decisions of the Appeals Committee and PRS were in fact decisions in cases filed by the Applicant in which she made claims similar to those in this Application. The Tribunal directs the Applicant to those decisions, which confirm that actions and decisions taken by PRS in the course of its review of a case, such as those about which the Applicant complains in the present Application, are not subject to review by the Tribunal.

DECISION

The Application is summarily dismissed.

/S/ Stephen M. Schwebel
Stephen M. Schwebel
President

/S/ Olufemi Elias
Olufemi Elias
Executive Secretary

At Paris, France, 27 June 2012