

Summary of DG (No. 2) v. IBRD, Decision No. 575 [2017]

The historical background of the case is contained in *DG*, Decision No. 528 [2017]. The Applicant submitted a second Application to challenge the decision to place her on Long Term Disability (LTD). The Applicant argued that the decision to place her on LTD was not communicated to her in a timely manner, and she contends that she was fit to return to work. The Applicant also challenged the Bank's alleged failure to implement *DG*, Decision No. 528 in a timely fashion, asserting that this was the primary purpose of her Application. In particular, the Applicant referred to late payment of sums owed to her as well as late processing of her G4 visa. The Bank submitted a preliminary objection contesting the admissibility of the Application. The Bank argued that the Applicant was first obliged to exhaust internal remedies by challenging, through the Administrative Review Panel, the decision to place her on LTD that was made by the Bank's Disability Administrator (the Reed Group). This judgment addressed the Bank's preliminary objection.

The Tribunal held that the evidence showed that the Applicant was properly notified of the Reed Group's decision to place her on LTD. Therefore, the Applicant had ample opportunity to challenge the decision if she chose to. According to the Staff Rules, the Applicant was first required to exhaust internal remedies through the Administrative Review Panel. Yet, the Applicant failed to do so, seeking instead to bypass the appeals procedure and lay her claims directly before the Tribunal. Emphasizing the importance of the exhaustion of internal remedies rule, the Tribunal held that the Applicant's claims concerning the Reed Group's determination on LTD status were inadmissible.

In dismissing the Applicant's ancillary claims, the Tribunal found that these claims were devoid of merit. For instance, the Tribunal observed that the Bank made efforts to process the Applicant's G4 visa as well as pay her sums owed. The Tribunal concluded that in the interest of judicial efficiency, further pleadings on this matter were not warranted.

Decision: Application is dismissed.