

### **Summary of Gonzalez-Flavell (No. 3) v. IBRD, Order No. 2017-2 [2017]**

The historical background of the case is contained in *Gonzalez-Flavell*, Decision No. 553 [2017]. The Applicant submitted a third Application to challenge the withholding of EBC's investigation report from her as a complainant of alleged misconduct. She also challenged the HRVP's decision that her manager, the Director General of IEG, did not commit misconduct. The Applicant requested the Tribunal to determine that misconduct had occurred and that the HRVP failed to protect her rights.

Upon review of the Application, the Tribunal found that it was wholly devoid of merit and ripe for summary dismissal pursuant to Rule 7(11) of the Tribunal's Rules. First, the Tribunal observed that while EBC did not provide the Applicant with information on the outcome of the investigation, this was remedied when, as part of the proceedings in her first application, the Tribunal ordered the Bank to provide the Applicant with the first page of EBC's report and a copy of the HRVP's decision letter. Thus, if any of the Applicant's rights were infringed upon (*e.g.*, the right to know the outcome of EBC's investigation), this was nevertheless remedied once the Tribunal ordered that she be given a copy of the HRVP's decision letter and the first page of EBC's report. The Tribunal found that the Applicant's claims were therefore moot and there was no plausible legal basis for her Application to proceed.

Second, the Applicant challenged the HRVP's decision on the grounds that the HRVP's decision letter contained a recognition of serious managerial issues, yet the HRVP failed to find misconduct on the part of the IEG Director General. The Tribunal held that a recognition by the HRVP that the IEG Director General had continuing and serious managerial issues is not indicative of substantial evidence that the Director General committed misconduct in contravention of the Principles of Staff Employment, Staff Rules, Administrative Manual, Code of Conduct, other Bank policies, or other duties of employment. The Applicant's claims in this regard were therefore devoid of merit.

**Decision:** Application is dismissed as devoid of all merit.