

Summary of EQ v. IFC (Preliminary Objection), Decision No. 584 [2018]

The Applicant challenged the reassignment of Project A and Project B from her work program for Fiscal Year 2016 (FY16); her FY16 Performance Evaluation; her performance cycle for Fiscal Year 2017 (FY17); and the International Finance Corporation (IFC)'s alleged mismanagement of her career.

The Tribunal observed that the IFC no longer disputed the timeliness of the Application in relation with the Applicant's claims regarding the wrongful reassignment of her FY16 work program and her FY16 Performance Evaluation. The IFC still contested the admissibility of the Applicant's claims relating to her FY17 performance cycle and allegations of career mismanagement, claiming that the Applicant had not exhausted the internal remedies prescribed by Article II of the Tribunal's Statute. For her part, the Applicant submitted that the IFC had misunderstood the primary purpose of her allegations regarding her FY17 performance cycle and career mismanagement, arguing that she had raised this issue as "a matter of information to show continuing mismanagement of her career" and not as a separate claim.

The Tribunal found that the Applicant's claims relating to her FY17 performance cycle and allegations of continued career mismanagement constituted separate claims. In examining whether the Applicant had exhausted the internal remedies prescribed by Article II of the Tribunal's Statute in respect of these claims, the Tribunal observed that Peer Review Services (PRS), when considering the Applicant's various claims before it, limited its examination to the decisions to remove Project A and Project B from her FY16 work program and did not address any allegation concerning the FY17 performance cycle. Likewise, when the Administrative Reviewer and Performance Management Reviewer considered the respective Applicant's requests before them, they limited their examination to the Applicant's FY16 Performance Evaluation. The Tribunal therefore concluded that the Applicant had not exhausted the internal remedies prescribed by Article II of the Tribunal's Statute in relation to her FY17 performance cycle and her allegations of career mismanagement.

Decision: The Tribunal upheld the IFC's preliminary objection with respect to the Applicant's claims relating to her FY17 performance cycle and allegations of career mismanagement. The Tribunal found that the Applicant's claims regarding the reassignment of her FY16 work program and her FY16 Performance Evaluation were filed in a timely manner.