

Summary of González Flavell v. IBRD, Decision No. 553 [2017]

The Applicant challenged: 1) the decision to declare her position redundant; 2) administrative decisions concerning her Fiscal Year (FY) 2015 Overall Performance Evaluation (OPE); and 3) management's decision following the recommendations of the Peer Review Panel.

Regarding the redundancy decision, the Tribunal held that while there was a legitimate restructuring process in the Applicant's unit, the record demonstrated that the Applicant's managers sought a way to address the Applicant's perceived performance deficiencies, and the difficult working relationship she had with the Director-General of the Independent Evaluation Group (IEG). As a result, although there was a legitimate rationale for the redundancy decision (i.e. the strategic staffing exercise), the decision to declare the Applicant's position redundant was ultimately affected by improper motivations. The Tribunal also held that the redundancy decision was made and her functions were distributed to other staff prior to management obtaining the required approval of the Severance Review Group. This in effect was another procedural irregularity.

With respect to the Applicant's claims concerning her FY 2015 OPE, the Tribunal dismissed these claims holding them to lack merit. Amongst other reasons, the Tribunal observed that the Applicant was awarded a positive performance review, and the individual who was designated as her supervisor was properly equipped to evaluate her work.

Finally, regarding the Applicant's third set of claims, the Tribunal equally dismissed these, holding that the evidence did not support her contentions, and there was no evidence of procedural irregularities. Of note, the Applicant contested her FY 2014 OPE; however, the evidence demonstrated that she received a positive rating and management performed several reviews and amendments to the text at the Applicant's request. Reiterating the finding in *Mpoy-Kamulayi* (No. 8), Decision No. 480 [2013], para. 22, the Tribunal held that: "Rendering judgment on the appropriateness of a Fully Successful versus a Superior rating comes close to a microscopic review" of the Applicant's performance. This is a task which would involve an "unwarranted intrusion on managerial discretion."

Decision: The Bank shall pay the Applicant compensation in the amount of nine months' salary for the procedural irregularities in the redundancy decision. The Bank was ordered to make a small contribution to the Applicant's legal fees and costs. All other claims were dismissed.