

David Tanner v. IBRD, Decision No. 478 [2013]

The Applicant contested the termination of his employment on grounds of abandonment of office pursuant to Staff Rule 7.01, paragraph 9.02, arguing that this wrongful dismissal was the culmination of a series of unjustified actions by the Bank. The Bank responded that its decision to terminate the Applicant's employment for abandonment of office pursuant to Staff Rule 7.01, paragraphs 9.02–9.04 was proper and not an abuse of discretion.

The Tribunal held that the Bank complied with the procedures in Staff Rule 7.01. The Tribunal observed that following the decision to terminate the Applicant's Telecommuting Arrangement, he was provided with ample notice that his refusal to return to his duty station in Washington, DC would be treated as abandonment of office but he failed to heed these warnings. The Tribunal held that the Applicant failed, without excuse acceptable to his manager, to make himself available to perform official duties for a continuous period of 20 working days. The Tribunal noted that the Applicant was entitled to a reasonable period of notice prior to termination of his employment, and held that the requisite notice period was provided by the Bank. The Tribunal further observed that while the Applicant argued that he was always available to perform his official duties, it was insufficient for him to state that he could have performed his duties in Auckland, New Zealand. That option was not available to him once the Telecommuting Agreement was terminated and he was no longer authorized to work away from his duty station.

The Applicant raised other grievances which the Tribunal ruled to be inadmissible as they were filed too late. The Tribunal reiterated the importance of staff filing Applications in a timely manner and exhausting internal remedies prior to seeking recourse at the Tribunal. Finally the Tribunal addressed the Applicant's contention that the Bank exercised its discretion in a prejudicial manner by withholding his OPE and SRI pending completion of a review into his conduct by the Office of Ethics and Business Conduct. The Tribunal found that the Applicant's manager provided an observable and reasonable basis for these decisions. The Tribunal nevertheless stressed that a decision to delay completion of a staff member's OPE and withhold his or her SRI is never one which should be taken lightly.

Decision: The Application was dismissed.