



World Bank Administrative Tribunal

2020

Order No. 2020-01

**Emmanuel Brace (No. 2),
Applicant**

v.

**International Finance Corporation,
Respondent**

**World Bank Administrative Tribunal
Office of the Executive Secretary**

**Emmanuel Brace (No. 2),
Applicant**

v.

**International Finance Corporation,
Respondent**

1. On 18 January 2020, the Tribunal received an Application from the Applicant against the International Finance Corporation (IFC). This is the Applicant's second Application before this Tribunal.
2. The Applicant submitted his first application to the Tribunal on 27 March 2019 requesting review of claims pertaining to "underpayment of daily fee, non-payment of housing benefits and relocation costs," deception, sustained harassment, work interference, personal data breach, the non-extension of his contract, and "discriminatory/bias/unfair conduct by management." Prior to bringing these claims to the Tribunal, the Applicant utilized Peer Review Services (PRS). Although the PRS Panel recommended the dismissal of the Applicant's claims, it did acknowledge that "the total amount paid to [the Applicant] is less than the total amount that was owed to him by \$235.00." The IFC accepted the PRS Panel's recommendation and agreed to pay the Applicant \$235.00.
3. The Tribunal dismissed the Applicant's first application finding the claims were time barred. *See Brace (Preliminary Objection)*, Decision No. 621 [2019], para. 53. The IFC's acceptance of the PRS recommendation to pay the Applicant \$235.00 was, however, noted by the Tribunal in its judgment. *Id.*, para. 20.
4. In the pleadings regarding the present Application, the Applicant essentially contests the same actions and inactions as those contested in his first application, namely underpayment, non-payment of housing benefits and relocation costs, personal data breach, and deception. In this Application, the Applicant provided no new evidence to invoke Article XIII of the Tribunal's Statute.

5. The Tribunal notes that \$235.00 is still owed to the Applicant. In this respect, a check for \$235.00 was issued by the World Bank Group on 26 July 2018 and was mailed on 31 July 2018 to the address provided by the Applicant. After the Applicant communicated that he had not received the \$235.00 payment, Human Resources contacted the Applicant on 24 January 2020 and again on 3 February 2020 to request the Applicant's bank account information to arrange for an electronic payment. Since then, the Applicant has neither provided nor confirmed valid banking information to the IFC. The IFC states the payment of \$235.00 will be paid to the Applicant when he provides valid bank account information or a valid address to be mailed a check. Furthermore, this payment was already considered in the Applicant's first application.

6. Although the Applicant states "that this [Application] is not an appeal of [D]ecision No. 621," the Applicant's present claims mirror the claims and allegations made in his first application.

7. In practice, the Tribunal has summarily dismissed applications if deemed devoid of all merit. In *Witter*, Order No. 1997-1 [1997], para. 4, the Tribunal concluded that an application that is "essentially repetitive of, and indistinguishable from, [the applicant's] earlier application" will be found to be devoid of all merit, and summarily dismissed. *See also*, *FF*, Order No. 2019-4 [2019], paras. 10–12; *Yoon (No. 21)*, Order No. 2013-1 [2013], paras. 5–7; *Romain (No. 2)*, Order No. 1997-2 [1997], para. 4.

8. Article XI of the Tribunal's Statute states, "Judgments shall be final and without appeal." The Applicant either misunderstands or is ignoring the finality of the Tribunal's judgment by seeking redress for the claims raised in his first application.

9. The Tribunal finds the Application devoid of all merit as it is essentially repetitive of, and indistinguishable from, an earlier application. The Tribunal therefore deems it appropriate to dismiss this Application.

DECISION

The Application is dismissed.

/S/ Andrew Burgess

Andrew Burgess

President

/S/Zakir Hafez

Zakir Hafez

Executive Secretary

At Washington, D.C., * 30 May 2020

* In view of the public health emergency occasioned by the COVID-19 pandemic and in the interest of the prompt and efficient administration of justice, the Tribunal conducted its deliberations in these proceedings remotely, by way of audio-video conferencing coordinated by the Office of the Executive Secretary.