



**World Bank Administrative Tribunal**

**2023**

**Order No. 2023-01**

**EO (No. 4),  
Applicant**

**v.**

**International Finance Corporation,  
Respondent**

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

**EO (No. 4),  
Applicant**

v.

**International Finance Corporation,  
Respondent**

1. On 27 October 2022, the Tribunal received an Application filed by the Applicant against the International Finance Corporation. This is the Applicant's fourth Application before this Tribunal.

2. Article XI of the Tribunal's Statute provides, "Judgments shall be final and without appeal." Further, Rule 7(11) of the Tribunal's Rules states as follows:

If it appears that an application is clearly irreceivable or devoid of all merit, the President may instruct the Executive Secretary to take no further action thereon until the next session of the Tribunal. The Tribunal shall then consider the application and may either adjudge that it be summarily dismissed as clearly irreceivable or devoid of all merit, or order that it should be proceeded with in the ordinary way.

3. 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 Yoon (No. 21)*, Order No. 2013-1 [2013], paras. 5–7; *Romain (No. 2)*, Order No. 1997-2 [1997], para. 4.

4. In his present Application, the Applicant challenges the "delay in fully implementing" the decision in his first case, *EO*, Decision No. 580 [2018], specifically with respect to paragraph 2 of the Decision which states: "The IFC shall rescind and remove all records of the OTI [Opportunity to Improve plan] from the Applicant's personnel records." The Applicant contends that the IFC has not done this as his personnel records reflect that he received a 0% salary increase in FY2016 which, to the Applicant, necessarily indicates that he was placed on an OTI.

5. The Tribunal considers that the 0% salary increase reflected in the Applicant's salary increase history is not inconsistent with the Tribunal's decision in *EO* [2018] to "rescind and remove all records of the OTI from the Applicant's personnel records."

6. The Tribunal recalls that salary increases are the result of performance ratings, and not a result of being placed on an OTI. The Tribunal therefore considers that the Applicant's challenge to the 0% salary increase is in effect a challenge to his FY2016 performance rating, which the Tribunal has already considered and upheld in *EO* [2018].

7. The Tribunal finds that this Application is essentially repetitive of the Applicant's claim in *EO* [2018] and devoid of all merit.

8. Pursuant to Rule 7(11) of the Tribunal's Rules, the Tribunal deems it appropriate to dismiss this case.

## DECISION

The Application is dismissed.

/S/Mahnoush H. Arsanjani  
Mahnoush H. Arsanjani  
President

/S/ Zakir Hafez  
Zakir Hafez  
Executive Secretary

At Washington, D.C., 12 May 2023