

Summary of FV v. IBRD, Decision No. 648 [2021]

The Applicant contested (i) the determination made by the Vice President, Human Resources Development (HRDVP) that he engaged in misconduct by requesting and receiving dependent relocation benefits for which he was not eligible and (ii) all disciplinary measures imposed therein.

The Applicant relocated to Brazil in 2015 and to Washington, D.C., in 2018 and claimed and received dependent relocation benefits for both relocations. The Applicant's daughter did not travel to either of the duty stations. At the time of the relocations, the Applicant was separated from his wife who had physical custody of their daughter. In 2014, the Applicant petitioned a Kenyan court seeking to be able to travel outside of Kenya with his daughter on holidays. The custody proceedings remained pending at the time the Application was filed.

The Applicant contended that his conduct did not amount to misconduct because he anticipated that his daughter would visit for extended periods and that her potential visits were a consideration in his selecting housing. In considering this contention, the Tribunal observed that the applicable Staff Rule in place during the Applicant's relocations provided that "the Relocation Grant is [...] \$15,000 for a staff member relocating *with* at least one dependent child." (Emphasis added.) The Tribunal explained that the plain words of the Rule state that staff members are eligible for a dependent relocation grant only if they are relocating with at least one dependent child and that the benefit "is not applicable where [...] a staff member anticipates 'extended visits' by a dependent child and where the dependent child is not relocating with the staff member at the time of their relocation or within twelve months of the staff member's relocation."

Further, the Tribunal was unpersuaded by the Applicant's contention that his conduct did not constitute misconduct because, according to the Applicant, the eligibility determination was made by Human Resources (HR). The Tribunal, first, reiterated that staff members are at all times obligated to follow the Staff Rules and, second, noted that the record demonstrated that the HR Operations Team consistently informed the Applicant that he would be eligible for the dependent relocation benefits only "if relocating with at least one child."

The Tribunal next considered the proportionality of the sanctions. The Applicant contended that the cumulative financial loss he might suffer because of the three-year "salary freeze" sanction was disproportionate to the \$9,145.00 he received allegedly in error. However, the Tribunal stated that this was not the appropriate method by which to consider proportionality. Noting the Bank's strong incentive to prevent the misuse of World Bank funds, the Applicant's seniority and relocation experience, and the frequency of the conduct, in balance with the Applicant's cooperation with the Ethics and Business Conduct Department and lack of a prior disciplinary record, the Tribunal was satisfied that the sanctions imposed on the Applicant were not significantly disproportionate to the offense.

Decision: The Application was dismissed.

This summary is provided to assist in understanding the Tribunal's decision. It does not form part of the reasons for the decision. The full judgment of the Tribunal is the only authoritative document. Judgments are available at www.worldbank.org/tribunal.