

## Summary of GL v. IBRD (Merits), Decision No. 677 [2022]

The Applicant challenged the Bank's decision not to progress him to Grade Level GG2 at the end of Fiscal Year (FY) 2019 (the Non-Progression Decision).

The Applicant contended that the 2019 Non-Progression Decision was an abuse of discretion because there was no rational basis to explain why the Applicant "would be proposed for progression in 2018 but not in 2019." The Applicant asserted that there was "no reasonable explanation" as to why the Applicant was proposed for progression in 2018 and not in 2019 "despite an even better performance in 2019 and his primary supervisory role with more responsibilities." The Bank maintained that it had a legitimate and reasonable basis for its decision not to nominate the Applicant for progression in FY 2019. The Bank asserted that "there is no inherent right, or entitlement as [the] Applicant suggests, to promotion and, absent abuse of authority, decisions relating to promotion are solely within the discretionary powers of management."

The Tribunal first considered whether there was a reasonable and observable basis for the Non-Progression Decision. Based on the documentary and testimonial evidence in the record, including the various instances of documentation by Information and Technology Solutions (ITS) management explaining the basis for its assessment of the Applicant's FY 2019 performance and the relevant determinative criteria for progressions and promotions, the Tribunal was satisfied that there was a reasonable and observable basis for ITS management's FY 2019 Non-Progression Decision.

The Tribunal next considered whether the Bank followed a fair and proper process in making the Non-Progression Decision. Based on the record and the findings of the Peer Review Services (PRS) Panel Report, including the testimony of ITS management regarding the progression and promotion process in ITS and corroborating documentary evidence, the Tribunal found that ITS management followed a fair and proper process in making its Non-Progression Decision.

Last, the Tribunal considered whether management's Non-Progression Decision was based on retaliation. Based on the record, including the conclusions reached by the PRS Panel and the Ethics and Business Conduct Department, the Tribunal found that there was insufficient evidence to support a finding that the Non-Progression Decision was based on retaliation.

**Decision:** The Application was dismissed.