

## Summary of GP v. IBRD (Preliminary Objection) Decision No. 678 [2022]

The Applicant challenged the Bank's denial of her request for a Mobility Premium.

In 2013, the Applicant accepted a Term appointment at Grade Level GE as an Operations Analyst. The Applicant's 2013 Letter of Appointment (LOA) included the following: "The position to which you are being appointed is currently subject to local recruitment. Therefore, you are not eligible for (i) relocation benefits on appointment; (ii) resettlement benefits on termination; or (iii) a mobility premium, either now or in the future should you be promoted or reassigned to a position subject to international recruitment in the U.S."

In September 2016, the Applicant was promoted to a Grade Level GF position which was subject to international recruitment. She contacted Human Resources (HR) seeking international benefits. The Applicant also filed a Request for Review (RFR) No. 363 with Peer Review Services (PRS) on 4 October 2016 seeking Mobility Premium payments and claiming that Staff Rule 6.21, Section III, paragraph 1.09(b) (Mobility Premium – Change in Position exemption), and the provision in her contract denying her international benefits constitute gender discrimination. On 21 October 2016, an HR representative responded to the Applicant indicating that she was not eligible for international benefits as she was appointed "as a local staff at grade GE." On 28 March 2017, the Vice President, Human Resources (HRDVP) provided the Applicant with a copy of the PRS Panel's Report in RFR No. 363 and informed the Applicant that the Panel recommended that her requests for relief be denied. The HRDVP notified the Applicant that he accepted the PRS recommendation. The Applicant did not then seek recourse with the Tribunal.

On 15 October 2020, the Applicant was promoted to a Grade Level GG position which was subject to international recruitment. On 24 February 2021, the Applicant contacted HR and sought a Mobility Premium. On 25 February 2021, an HR representative responded indicating that the Applicant was ineligible given that she was appointed to a Grade Level GE position. On 22 April 2021, the Applicant filed another RFR, No. 546, with PRS challenging the denial of international benefits and claiming gender discrimination. The PRS Chair dismissed RFR No. 546 under the principle of *res judicata*.

The Applicant challenged before the Tribunal the decision that she was not entitled to a Mobility Premium. The Bank submitted preliminary objections contending that the Applicant's claim was time-barred as the *dies a quo* for the Applicant's claim was 28 March 2017. The Bank also asserted that the Applicant failed to exhaust internal remedies. The Applicant responded that the 25 February 2021 decision from HR denying her request for a Mobility Premium was a new decision.

The Tribunal examined the Applicant's two RFRs and concluded that "the substance of the Applicant's claim in each of her two Requests for Review is the same," and that the claim in the Application is also the same. The Tribunal found that the HRDVP's 28 March 2017 acceptance of the PRS Panel's recommendation constituted the *dies a quo* and that the Applicant did not file her Application within 120 days of this date, thus rendering the Application time-barred.

**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](http://www.worldbank.org/tribunal).