

Summary of GT v. IBRD (Preliminary Objection), Decision No. 674 [2022]

The Applicant challenged the 8 February 2021 decision of the Peer Review Services (PRS) Chair to dismiss his Request for Review. The Bank submitted a preliminary objection to the Application contending that the Application should be dismissed because it was filed more than 120 days following the Applicant's receipt of the PRS decision, and that no exceptional circumstances existed to excuse the untimely filing.

On 3 May 2019, after receiving negative performance feedback, the Applicant resigned from his position. On 8 June 2020, a report was published containing a table which the Applicant contended shows he was not "incompetent." On 26 December 2020, the Applicant filed a Request for Review with PRS contending that he was forced to resign. On 8 February 2021, PRS dismissed his Request.

The Tribunal considered that the Applicant received notice of the PRS decision on 8 February 2021, and that, pursuant to Article II(ii)(b) of the Tribunal's Statute, the Applicant had 120 days from the date of receipt of this "notice [...] that the relief asked for [...] would not be granted" to file an application. Therefore, the Applicant should have filed his Application or request for an extension by 8 June 2021, within 120 days after receiving notice of the PRS decision. He did not do so. Instead, the Applicant filed an application on 10 October 2021, and an amended Application on 13 October 2021. Based on the foregoing, the Tribunal found that the Applicant did not file his Application with the Tribunal in a timely manner.

The Applicant claimed that his circumstances were exceptional because certain report publications, in his view, continued to add evidence to his original claim and he believed that these publications make "[his] case a very special case, not 'a once for all phenomenon' for its [*sic*] bears with it tortuous elements which the time limit set in the Rules may not accommodate."

The Tribunal noted that – even if, as the Applicant avers, the publications added evidence to his claim – the Applicant nevertheless failed to show how the publication impaired his ability to file his Application with the Tribunal within 120 days of his receipt of the PRS decision, as is statutorily required.

The Tribunal found that the date from which the 120-day filing period began in this case was the date of the Applicant's receipt of notice that the relief asked for or recommended would not be granted, and, as the Tribunal stated in *DU*, Decision No. 539 [2016], para. 21, the *dies a quo* "is not changed by [an] assertion of the subsequent discovery of circumstances."

The Tribunal observed that there was nothing in the record which demonstrated a "real and serious impediment" to the Applicant in filing the Application with the Tribunal in a timely manner following receipt of the PRS decision, and it therefore found no exceptional circumstances that excused the Applicant's late submission of the Application before this Tribunal.

Decision: The Application was dismissed.