

## Summary of GU v. IBRD (Preliminary Objection), Decision No. 675 [2022]

The Applicant challenged the “[r]andom, untruthful, and unjustified decision to abolish [her] position which hurt [her] personally and financially.”

At the time of the contested decision, the Applicant was a Senior Information Technology Assistant, Grade Level GD, based in Washington, D.C. On 15 January 2015, the Applicant met with her Manager who informed her that her position would be “abolished under Staff Rule 7.01, Section 8.02(b).” The Applicant was then told that she could decide either to be considered for reassignment within Information Technology Solutions or to take a separation package. The Applicant claims that she was told by her Manager that the reason for abolishing her position was that the software on which she worked was being “sunset” and that her services would therefore no longer be required. On 15 June 2015, the Applicant entered into a Mutually Agreed Separation (MAS); and, on 1 January 2016, the Applicant separated from the Bank.

The Bank submitted preliminary objections contending that the Application was untimely and that the MAS constituted a full and final settlement of the Applicant’s claims.

The Tribunal noted that, pursuant to Article II of the Tribunal’s Statute, the Applicant had 120 days from the date of the “occurrence of the event giving rise to the application” to file an application. According to the Applicant, she was first notified by her Manager on 15 January 2015 that her position would be abolished. By her own account, the Applicant should have filed her Application or request for an extension by 15 May 2015, 120 days after she was notified that her position would be abolished. She did not do so. The Applicant also challenged the MAS which she entered into on 15 June 2015. Taking this as the triggering event for her claim, the Applicant should have filed her Application or request for an extension by 13 October 2015, 120 days after she entered into the agreement. She did not do so.

The Applicant notes that she did not bring a claim to the Tribunal at that time because she only discovered that the reason given to abolish her position was false when she was rehired as a Short-Term Consultant (STC) years later. The Tribunal observed, however, that the Applicant was rehired as an STC in early 2018 and that it was at this point by her own account that she was made aware that the software on which she worked was still in use. Thus, even if the Tribunal accepted the facts as stated by the Applicant, the Applicant did not file her Application with the Tribunal until 19 December 2021, long after the 120-day period had passed.

The Tribunal further found that there were no exceptional circumstances which would excuse the late filing of the Application, noting that the burden was on the Applicant to learn of her rights, particularly with regard to filing a claim with the Tribunal.

**Decision:** The Application was dismissed.