

**Summary of Ana María Grofsmacht, Claudia Cecilia Nin, Luis Ramon Pereyra, and Luis Orlando Perez v. IBRD, Decision No. 685 [2022]**

The Applicants challenged the “Bank’s failure to disclose to affected staff the terms on which it made Depreciation SCM [Special Compensation Measures] pay pensionable from 2015 to 2020.” The Bank submitted preliminary objections, contending that the consolidated amended Application should be dismissed under the principles of finality of judgments and *res judicata* and that it was inadmissible because the Applicants did not exhaust internal remedies.

The Tribunal first considered whether the Applicants exhausted internal remedies as required by Article II(2)(ii) of the Tribunal’s Statute. The Tribunal noted that Article 19.2 of the Staff Retirement Plan (the Plan) provides: “Any claim for benefits, payments or other rights under the Plan must first be submitted to the Benefits Administrator no later than two years after the claim arises.” The Tribunal further noted its statement in *B (No. 2)*, Decision No. 336 [2005], para. 25: “The three-year period[, in effect at the time,] will begin on the date that the identifiable right arose, this normally being the date of retirement or the date on which the applicant became aware of the deficiency he or she is claiming.” The Tribunal considered that the *dies a quo* for claims under the Plan was when the staff member should have known or could be presumed to have known of his or her claims.

The record reflected that, beginning in March 2018, the Applicants received monthly pension statements which were calculated using the methodology developed to incorporate Depreciation SCM pay into pension benefits. The record also reflected that, around this time, the Applicants had access to the Net Plan Pension Calculator, which showed estimates of the same. The Tribunal concluded that, in March 2018 the Applicants were on notice that their pension benefit calculations reflected the incorporation of Depreciation SCM pay, and it is reasonable to expect that they could have raised concerns at that time if the calculations did not reflect the expected amounts.

The Applicants each submitted their challenges to the Benefits Administrator on 6 October 2021. Having concluded that the Applicants should have known of their claims beginning in March 2018, the Tribunal noted that the Applicants claims were submitted around three and a half years following the *dies a quo*. Recalling that claims under the Plan must be submitted to the Benefits Administrator no later than two years after the claim arises, the Tribunal found that the Applicants failed to timely exhaust internal remedies.

Having found that the Applicants did not timely raise their claims with the Benefits Administrator, the Tribunal found it unnecessary to address the Bank’s remaining objections.

**Decision:** The consolidated amended 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)