

## Summary of HA v. IBRD (Merits), Decision No. 696 [2023]

The Ethics and Business Conduct Department (EBC) investigated an allegation that the Applicant misused Bank funds by receiving and retaining the benefit of unauthorized payments for tuition fees. After EBC interviewed the Applicant, the Applicant sought the services of four medical professionals for treatment of a “severe depressive episode” and other medical problems “partially linked to the stress to which she was subjected.”

In its Final Report, EBC found that the Applicant misused Bank funds. On 3 March 2022, EBC sent its Final Report to the Human Resources Department Vice President (HRDVP) for decision. On 1 July 2022, a new HRDVP was appointed, and, on 11 August 2022, the HRDVP made “no finding of misconduct.”

In her Application, the Applicant alleged unfair treatment and violations of due process by EBC.

In examining the record, the Tribunal observed that EBC provided the Applicant with notice of the allegation and an opportunity to respond to the allegation. The Tribunal reviewed the interview transcripts and determined that the EBC investigators “remained respectful and neutral in their questioning,” noting that the Applicant did not substantiate her allegations of bias. The Tribunal further concluded that the Bank followed appropriate confidentiality protocols in handling the investigation.

While the length of time it took the HRDVP to issue the determination that there was no misconduct was acknowledged to be “perhaps less than ideal,” the Tribunal did not consider, in the circumstances of this case, that the delay was so inordinate as to rise to the level of an abuse of process warranting compensation.

Based on the foregoing, and considering the entire record, the Tribunal was satisfied that EBC’s investigation and Final Report were in accord with the applicable Staff Rules and the due process rights of the Applicant.

**Decision:** The Application was dismissed.