

## Summary of HN v. IBRD, Decision No. 704 [2024]

The Applicant claimed that the Bank breached its duty of care in response to the Applicant's worsening medical condition.

In early 2022, the Applicant started to experience gastroenterological symptoms while stationed in Guinea-Bissau. Testing revealed that the Applicant had two bacterial infections. The Applicant reached out to the Bank's Health and Safety Directorate (HSD) to inform HSD of her symptoms and diagnosis, and HSD advised her to follow the prescribed course of treatment and renew the analysis of her symptoms within two weeks. There was nothing in the record to show that the Applicant renewed the analysis within two weeks. In early April 2022, the Applicant again experienced symptoms of abdominal pain, tingling, bloating, and belching. At the instruction of HSD, the Applicant obtained a medical report from her physician which stated that she had a "slightly distended abdomen, painful on superficial and deep palpation in the epigastric and umbilical regions. *Remaining results of the physical examination are normal. [...] clinical improvement has been observed from the second day of the treatment.*" (Emphasis in original.) The physician recommended a consultation with a specialist and a "[g]astrointestinal endoscopy, if necessary." In response to receiving the medical report, HSD informed the Applicant that a non-emergency medical evaluation (NEME) would not likely be approved, and recommended the Applicant apply for out of country care (OOC) through Cigna, the Medical Benefits Plan administrator. The Applicant contacted HSD again at the end of April describing her symptoms and providing updated test results. HSD again advised the Applicant to apply for OOC, and she did so on 1 May 2022. With the Applicant's permission, HSD then engaged with Cigna to expedite the OOC approval and arrange for the Applicant to be treated in Spain, her preferred country of care. On 2 May 2022, the Applicant sent a photo to HSD of what appeared to be abdominal distension, after which HSD approved a NEME for her evacuation to Spain. Once in Spain, the Applicant went to an emergency room where she was operated on, and doctors discovered she had colon cancer.

The Tribunal recognized that susceptibility to personal illness is part of the human condition and noted that the Bank's duty of care cannot and does not extend to insulating staff members from all risk of developing a personal illness. The Tribunal reviewed the medical reports and information provided to the Bank and considered that there was nothing in the medical reports or information provided by the Applicant that would indicate that the Applicant's circumstances met the conditions set out in Staff Rule 6.07, paragraph 4.05, for a NEME. The Tribunal noted that HSD took several concrete steps and gave specific advice in response to communications it received from the Applicant. The record showed that the Applicant either did not act on the advice received or did not follow it in a timely manner. The Tribunal determined that the Bank acted entirely reasonably in responding to the information supplied by the Applicant in terms of both the advice it provided to the Applicant and the actions it took to ensure that adequate medical care was provided. The Tribunal found that the Bank met and, indeed, went beyond its duty of care in all the prevailing circumstances.

**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).