

Summary of HO v. IBRD, Decision No. 705 [2024]

The Applicant served with the Bank as a Security Specialist and, in 2018, was assigned to serve in Libya where he stayed in a villa complex arranged by the World Bank Group. The Applicant states that he became ill in 2018. He saw various doctors, and the Applicant claimed that his illness was connected to mold and that the villa in Libya was contaminated with mold. In September 2020, he sought workers' compensation benefits with the Bank's Claims Administrator. In January 2021, the Applicant's claim was denied but, upon reconsideration, the Claims Administrator found the Applicant was eligible for workers' compensation with a covered illness/injury of "[r]espiratory difficulties secondary to mold exposure in the workplace."

The Applicant received treatment from a pulmonologist in France, Dr. F, who referred him for an Ayurvedic Detoxification Protocol in Switzerland in October 2021. The Claims Administrator denied the Applicant's request for this treatment, both initially and on the Applicant's later request for reconsideration, but the Applicant still underwent the treatment. In 2022, the Applicant was treated by Dr. T in Florida who diagnosed him with Chronic Inflammatory Response Syndrome. In March 2022, the Applicant appealed the Claims Administrator's denial of treatment in Switzerland to the Administrative Review Panel (ARP). In April 2022, Human Resources advised the Applicant that he would be reimbursed, exceptionally, for his treatments in Switzerland and Florida. According to the Bank, the ARP appeal was considered moot as a result. The Applicant submitted a new ARP appeal in September 2022 challenging the Claims Administrator's denial of benefits for the treatments in Switzerland. The ARP affirmed the Claims Administrator's denial, finding "the treatment received and associated travel was not reasonable in the context of the accepted illness/injury." The Applicant challenged the ARP decision and contended, *inter alia*, that the Claims Administrator unfairly rejected his request for Ayurvedic treatment, and that the ARP decision relied upon erroneous Utilization Reviews and reports, and ignored the positions of his doctors. The Bank claimed, *inter alia*, that the ARP decision was reasonable.

The Tribunal considered whether the ARP's decision was reasonably sustainable. The Tribunal observed that the Applicant had not obtained prior authorization from the Claims Administrator for the treatments at issue and explained that, while the Bank may elect to pay a claim where prior authorization has not been sought, prior authorization is not optional under the Staff Rules. The Tribunal next considered the medical evidence and noted that, at the relevant time, there was a moratorium on Independent Medical Examinations. To the Tribunal, the Claims Administrator acted appropriately in obtaining independent reviews from Dr. I and Dr. C in assessing the Applicant's claim, and the Tribunal found that the Claims Administrator's use of the Utilization Review concept from Washington, D.C., law was reasonable. In reviewing the ARP decision, the Tribunal took the view that the opinions of Dr. I and Dr. C reflected fact and evidence-based assessments concerning the Applicant's claims. The Tribunal found that the ARP reasonably assigned more weight to the opinions of Dr. I and Dr. C, and the Tribunal concluded that the ARP decision is reasonably sustained on the basis of the evidence. On review of the circumstances, the Tribunal did not find procedural violations in the administration of the Applicant's claim.

Decision: The Applicant 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.