



World Bank Administrative Tribunal

2021

Decision No. 648

**FV,
Applicant**

v.

**International Bank for Reconstruction and Development,
Respondent**

**World Bank Administrative Tribunal
Office of the Executive Secretary**

**FV,
Applicant**

v.

**International Bank for Reconstruction and Development,
Respondent**

1. This judgment is rendered by the Tribunal in plenary session, with the participation of Judges Andrew Burgess (President), Mahnoush H. Arsanjani (Vice-President), Marielle Cohen-Branche (Vice-President), Janice Bellace, Seward Cooper, Lynne Charbonneau, and Ann Power-Forde.
2. The Application was received on 13 July 2020. The Applicant was represented by Ryan E. Griffin of James & Hoffman, P.C. The Bank was represented by David Sullivan, Deputy General Counsel (Institutional Administration), Legal Vice Presidency. The Applicant's request for anonymity was granted on 21 May 2021.
3. In his Application, the Applicant contests (i) the determination made by the Vice President, Human Resources Development (HRDVP) that the Applicant engaged in misconduct and (ii) all disciplinary measures imposed therein.

FACTUAL BACKGROUND

The Applicant's employment history

4. The Applicant joined the Bank in 2002 through the Young Professionals Program. Since that time, he has held various positions in the Bank in multiple locations, including Tunisia, Brazil, and Washington, D.C. The Applicant currently holds an open-ended appointment as a Practice Manager, Grade Level GH, based in Washington, D.C.

The Applicant's marital and familial background

5. The Applicant married in 2005, and in 2008 the couple had a daughter.
6. In 2011, the Applicant relocated to a posting in Tunisia with his wife and daughter. Shortly after arriving in Tunisia, the Applicant's wife and daughter left the Applicant's duty station to relocate to England, and subsequently to Kenya, the Applicant's wife's home country.
7. The Applicant and his wife thereafter separated. According to the Applicant, he initially remained on amicable terms with his wife, and they regularly visited one another for extended periods to jointly share time with their daughter.
8. The Applicant states that, near the beginning of 2014, his relationship with his wife began to deteriorate, largely due to a dispute regarding financial support.
9. In October 2014, the Applicant petitioned a Kenyan court for joint custody of his daughter. In his submission to the court, the Applicant requested the court to grant him, among other things, (i) joint legal custody of his daughter; (ii) the rights to access his daughter on half of her school holidays and to travel with her inside and outside of Kenya during those holidays; and (iii) regular contact with his daughter through video and telephone calls.
10. In his written submission to the Kenyan court dated 23 March 2015, the Applicant stated, among other things:

The mother currently has the physical custody of the child, and the Applicant accedes to this fact. The two parties live in different locations in the world and therefore living arrangements that ensure equal distribution of the child's time between her parents [are] not possible.

[...]

[The Applicant] is willing to get onto a plane, several times in a year, at quite some expense, to ensure that the precious bond that he has with his daughter is not severed. On the other hand, it is clear that [the Applicant's wife] has taken the stance of making it as difficult as possible for the child and her father to achieve

optimum father/daughter time by opposing every effort of the Applicant to spend quality time with his child.

The Applicant desires to be able to travel with his daughter during some of his holidays so that she can visit with her paternal grandmother, aunts, uncles and cousins. The child has often asked the Applicant to take her for visits to Italy and to the United States of America. [...] The Applicant has no intention whatsoever to keep the child away from [the Applicant's wife] or to divest [the Applicant's wife] of the custody of the child. He does urge however that the child's right to travel with him also be considered favorably as it would be beneficial to the child. The Applicant would be willing to abide by whichever conditions the honorable court may set to enable him [to] travel out of jurisdiction with his daughter and then bring her back.

11. On 18 December 2015, the Kenyan court issued an interim order recognizing the Applicant as a joint legal custodian of his daughter and authorizing him to spend up to seven days at a time with his daughter whenever he visits Kenya but prohibiting him from leaving Kenya with his daughter without his wife's consent and the court's approval.

12. According to the Applicant, the final hearing on his custody petition has been repeatedly postponed for more than four years, and at the time of filing this Application remained pending.

The Applicant's 2015 relocation to Brazil

13. In 2015, the Applicant was informed that he would be relocating from his duty station in Washington, D.C., to a posting in Brazil. At the time, his custody petition remained pending.

14. As part of the Applicant's assignment in Brazil, he was eligible to receive various benefits.

15. Staff Rule 6.17, paragraphs 3.05 and 3.09, in effect at the time of the Applicant's 2015 relocation, states:

Relocation Grant

3.05 The Bank Group will provide a lump-sum Relocation Grant to staff to assist with all the incidental expenses associated with relocation for staff and immediate family, at origin, in transit, and at destination. These expenses include, but are not limited to, miscellaneous travel and visa expenses, subsistence, lease and utility

deposits, finders' fees for real estate agents, and 30 days of hotel lodgings or rental expenses at destination. The amount of the Relocation Grant is \$12,000 for a staff member relocating without dependent children, and \$15,000 for a staff member relocating with at least one dependent child.

Limitations to Section 3, Relocation [...] Benefits

[...]

3.09 Unless otherwise indicated in section 3 of this Rule, all relocation and transportation benefits must be used within 12 months of the change of duty station or they will be forfeited.

16. On 28 April 2015, ahead of the Applicant's relocation to Brazil, the Medical Clearance Health and Services Department (HSD) contacted the Applicant inquiring about whether his "two accompanying dependents" would live with him in Brazil and informing him that, "[i]f they are going with you, they need medical clearance as well." The Applicant responded, "My wife and daughter will not live in Brazil but will visit me extensively during school holidays."

17. Also on 28 April 2015, the Human Resources (HR) Operations Team sent an email to the Applicant outlining the various benefits for which he might be eligible. This communication summarized the relocation grant as follows: "[Y]ou will receive a \$12,000 (or \$15,000 if relocating with at least one child) relocation grant to assist with all the incidental expenses associated with your relocation."

18. The Applicant responded to the HR Operation Team's email with various inquiries, including

Regarding my dependents: As indicated in my questionnaire [my] wife and daughter are not planning to travel with me at this stage, but will visit me for extended periods in Brasilia (at least my daughter). Will they be able to use the relocation travel when they first come to visit?

19. The HR Operations Team responded to the inquiry indicating that relocation travel "should be used for official relocation and can be used within 12 months from your assignment start date. If [your] family will intend to relocate at a later time (but within the 12 months['] timeframe), they can still use the relocation travel."

20. During the exchange of emails between the Applicant and the HR Operations Team, the Applicant stated, regarding a draft memorandum detailing his relocation grant:

I see that you have calculated my lump sum relocation grant without dependent children, at \$12k. Please can you correct this to account for my daughter. As indicated I do not expect that she will travel immediately, but I do expect that my daughter will spend extended periods with me.

21. In response, the HR Operations Team stated:

[Y]our daughter would be eligible for relocation travel within 12 months if she would be relocating to Brasilia. However, she must be medically cleared. [...] [T]he relocation grant was provided as \$12k because the medical clearance did not indicate any dependents [*sic*] child that will be relocating with you. Please arrange for medical clearance for your daughter and once we have the approval, we can revise the memo accordingly.

22. At the end of July 2015, the Applicant moved to Brazil. According to the Applicant, he secured and furnished housing to accommodate extended visits from his daughter. Specifically, he states he chose

a two-bedroom apartment in a safe complex with a large, shallow pool and many families with young children precisely because he believed it would be ideal for his daughter. He also painted one of the bedrooms light green, the color his daughter selected. Additionally, in anticipation of his daughter joining him, he shipped to Brasilia the toys, books, and furniture, including a bed, that he had brought to Washington from Tunisia for her.

23. On 21 September 2015, the Applicant requested medical clearance for his daughter. After receiving the medical clearance, the Applicant informed the HR Operations Team of her medical clearance. The HR Operations Team thereafter issued a revised memorandum reflecting an increased relocation grant which brought the total of the relocation grant to \$15,000.00. The revised memorandum further stated:

Medical Clearance

The Health Services Department has advised us that you and those family members who are relocating with you have been medically cleared for this assignment. [...]

Change in Dependents

Please note you are obligated to notify HR Operations promptly of any changes to your household during your extended field assignment, including life events (births, marriage, divorce, creation of or dissolution of domestic partnership, etc.) and any residency changes (e.g., a spouse or domestic partner who leaves your duty station after initial relocation, or a spouse [or] domestic partner that relocates to your duty station after you have moved).

24. On 9 October 2015, the Applicant signed the revised memorandum.
25. On 30 October 2015, the Applicant received the additional \$3,000.00 payable in respect of the higher relocation grant for staff members relocating with at least one dependent child.
26. The Applicant's daughter did not join him at his duty station at any point during his assignment in Brazil.

The Applicant's 2018 relocation to Washington, D.C.

27. In 2018, the Applicant was informed that he would be relocated to a new duty station in Washington, D.C.
28. Staff Rule 6.17 (Global Mobility Procedure), paragraphs 4.04, 4.05, and 4.09, in effect at the time of the Applicant's 2018 relocation, stipulates with respect to relocation grants and allowances:

Relocation Grant

4.04 The World Bank Group provides a lump-sum Relocation Grant to Staff to assist with all the incidental expenses associated with relocation for Staff and Immediate Family, at origin, in transit, and at destination. These expenses include, but are not limited to, miscellaneous travel and visa expenses, subsistence, lease and utility deposits, and finders' fees for real estate agents. The amount of the Relocation Grant is USD \$5,000 for a Staff Member relocating without Dependent Children, and USD \$7,500 for a Staff Member relocating with at least one Dependent Child. In case of a Staff Member's relocation to a Non-Family Post, a Staff Member is considered to be relocating with eligible dependents if a Dependent Child is relocating to a Family Location.

Temporary Living Allowance

4.05 The World Bank Group provides a Temporary Living Allowance, equal to 125% of the Hotel Per Diem for a Staff Member relocating without Dependent Children, and 175% for a Staff Member relocating with at least one Dependent Child, all for 30 days, to assist a Staff Member with hotel lodgings or rental expenses at destination.

Limitations to Paragraphs 4.01–4.07, “Relocation and Transportation Benefits”

[...]

4.09 Unless otherwise indicated in paragraphs 4.01-4.07, “Relocation and Transportation Benefits,” of this Procedure, all relocation and transportation benefits must be used within 12 months of the change of duty station or they will be forfeited.

29. On 26 June 2018, prior to relocating, the Applicant inquired, via email to the HR Operations Team, about the benefits available to him in connection with his relocation to Washington, D.C.

30. The HR Operations Team responded, explaining that the Applicant was eligible for, among other benefits, a relocation grant of “\$5,000 for a staff member relocating without children or \$7,500 for a staff member relocating with at least one child” and a temporary living allowance of “125% for staff relocating without children or 175% for staff relocating with at least one child, of hotel per diem for 30 days.”

31. The Applicant replied to this email asking questions about various benefits but indicating with respect to the relocation grant options: “This is clear, US\$ 7,500.” In his email, the Applicant also inquired about the estimated amount of temporary living allowance he would receive. The HR Operations Team responded to his inquiry stating, “About \$13,283, if you are relocating with child.”

32. On 31 August 2018, the Applicant received relocation and temporary living allowance benefits calculated for a staff member relocating with at least one child.

33. In September 2018, the Applicant moved to Washington, D.C. According to the Applicant,

[h]e rented an apartment with two bathrooms and a large living area with a sofa bed that could be easily partitioned for guest use and planned to move to a larger two-bedroom apartment in the same building as soon as his daughter was allowed to travel. Again, as with his prior move, [the Applicant] shipped his daughter's bed and other belongings.

34. According to the Applicant, his daughter "has not yet to date been able to join him in Washington."

The investigation into allegations of misconduct

35. On 31 May 2019, the Ethics and Business Conduct Department (EBC) received an anonymous report that the Applicant had allegedly claimed and received increased relocation benefits for his dependents when he relocated from Washington, D.C., to Brazil in 2015.

36. On 25 July 2019, EBC sent the Applicant a Notice of Alleged Misconduct to inform the Applicant as follows:

[EBC] is currently conducting an investigation into allegations that you may have committed misconduct under the World Bank Group (WBG) rules and policies by misusing dependent relocation benefits related to your relocation from Washington D.C. to Brasilia in 2015 and your relocation from Brasilia to Washington D.C. in 2018.

37. The Applicant confirmed to EBC investigators that he had claimed and received relocation benefits payable to staff members who relocate with at least one dependent child but that his daughter did not join him either in Brazil in 2015 or in Washington, D.C., in 2018.

38. The Applicant informed EBC investigators that, under his interpretation of the Staff Rules relating to relocation benefits, he believed that he was entitled to the additional relocation benefits based on the possibility that his daughter might visit him for extended periods.

39. The Applicant further indicated to EBC investigators that he was willing to pay back any benefits to which he was not entitled.

40. EBC established that, for both the Applicant's 2015 and 2018 relocations, the Applicant claimed and received relocation grants in the amount then payable to staff members who relocate with at least one dependent child, although the Applicant did not relocate with his dependent child.

41. EBC further established that the Applicant received \$9,145.00 for dependent relocation benefits for which he was not eligible.

42. EBC sent the Applicant its Draft Investigative Report, at which point the Applicant was afforded the option to, and did, provide his comments on the report, which were included in the Final Report.

43. On 1 November 2019, EBC issued its Final Report and sent it to the HRDVP for review and a determination of misconduct.

44. On 30 January 2020, the HRDVP sent the Applicant a letter (Decision Letter). The HRDVP determined there was sufficient evidence to support a finding that the Applicant engaged in misconduct as defined under the following Staff Rules and presented in the Decision Letter:

- (i) Staff Rule 3.00, paragraph 6.01(a) - failure to observe obligations relating to abuse or misuse of Bank Group funds related to travel, benefits, allowances;
- (ii) Staff Rule 3.00, paragraph 6.01(b) - reckless failure to identify, or failure to observe, generally applicable norms of prudent professional conduct;
- (iii) Staff Rule 3.00, paragraph 6.01(c) - acts or omissions in conflict with the general obligations of staff members set forth in Principle 3 of the Principles of Staff Employment including the requirements that staff avoid situations and activities that might reflect adversely on the Organizations (Principle 3.1) and conduct themselves at all times in a manner befitting their status as employees of an international organization (Principle 3.1(c));
- (iv) Staff Rule 6.17 (Extended Assignment Benefits), effective June 20, 2014. Paragraph 3.05 - the Bank Group will provide a lump-sum Relocation Grant to staff to assist with all the incidental expenses associated with relocation for staff and immediate family, at origin, in transit, and at destination. These expenses include, but are not limited to, miscellaneous travel and visa expenses, subsistence, lease and utility deposits, finders' fees for real estate

agents, and 30 days of hotel lodgings or rental expenses at destination. The amount of the Relocation Grant is \$12,000 for a staff member relocating without dependent children, and \$15,000 for a staff member relocating with at least one dependent child[; and]

- (v) Staff Rule 6.17 (Global Mobility [...] Procedure), effective July 1, 2018:

Procedure, Paragraph 4.04: The World Bank Group provides a lump-sum Relocation Grant to Staff to assist with all the incidental expenses associated with relocation for Staff and Immediate Family, at origin, in transit, and at destination. [...] The amount of the Relocation Grant is USD \$5,000 for a Staff Member relocating without Dependent Children, and USD \$7,500 for a Staff Member relocating with at least one Dependent Child. [...]

Procedure, Paragraph 4.05: The World Bank Group provides a Temporary Living Allowance, equal to 125% of the Hotel Per [D]iem for a Staff Member relocating without Dependent Children, and 175% for a Staff Member relocating with at least one Dependent Child, all for 30 days, to assist a Staff Member with hotel lodgings or rental expenses at destination.

45. In determining the proportionality of the disciplinary measures to be imposed on the Applicant, the HRDVP noted, as mitigating factors, that the Applicant had no prior disciplinary findings against him and that he had fully cooperated with EBC's investigation. In the Decision Letter, the HRDVP emphasized that any potential ignorance or misinterpretation of the Staff Rules is not considered a mitigating factor.

46. The HRDVP determined, in light of the mitigating factors, that the following disciplinary measures be imposed on the Applicant:

- (i) Ineligibility for salary increase for a period of 3 (three) years beginning FY20 [Fiscal Year 2020];
- (ii) Restitution to the WBG for financial losses attributable to your actions for the total amount of dependent relocation benefits paid to you in October 2015 and August 2018, which would be reimbursed to the WBG through a reduction in your payroll; and
- (iii) This letter will remain on your personnel record indefinitely.

The present Application

47. In his Application, the Applicant seeks (i) rescission of the HRDVP's misconduct determination and the disciplinary measures imposed, "including the return of all amounts collected by WBG through payroll deductions as restitution pursuant to said disciplinary measures"; (ii) compensation in an amount deemed just and reasonable by the Tribunal "to remedy the damages to his career and professional reputation resulting from the unjust imposition of disciplinary sanctions"; and (iii) legal fees and costs in the amount of \$19,137.50.

SUMMARY OF THE CONTENTIONS OF THE PARTIES

The Applicant's Contention No. 1

The Applicant's receipt of dependent relocation benefits did not constitute misconduct

48. The Applicant contends that his receipt of dependent relocation benefits did not constitute misconduct because (i) he was entitled to the benefits under the Staff Rules; (ii) he genuinely and reasonably believed his daughter would visit him at his duty stations; and (iii) he disclosed all relevant facts to the HR Operations Team.

49. First, the Applicant contends that he was entitled to the dependent relocation benefits he received because the benefits were intended to cover the types of expenses he incurred. In this respect, the Applicant points to Staff Rule 6.17, paragraph 3.05, in place during his 2015 relocation, to explain that the relocation grant was intended to

assist with all the incidental expenses associated with relocation [...] include[ing], but [...] not limited to, miscellaneous travel and visa expenses, subsistence, lease and utility deposits, finders' fees for real estate agents, and 30 days of hotel lodgings or rental expenses at destination.

50. The Applicant maintains that the updated Staff Rule in place when he relocated to Washington, D.C., in 2018 is intended to cover these same types of incidental expenses.

51. In the Applicant's view, the policies and rules in place at the time of his 2015 and 2018 relocations were intended to provide financial assistance for anticipated housing needs at the time of relocation.

52. To the Applicant, his circumstances fall directly within the parameters intended to be covered by the dependent relocation benefits, because during both his 2015 and his 2018 relocations he incurred the up-front relocation costs of securing appropriate housing to accommodate his daughter's anticipated extended visits.

53. Next, the Applicant contends that his conduct did not amount to misconduct because, at the time of receiving the dependent relocation benefits, he genuinely believed his daughter would stay with him for extended periods.

54. The Applicant asserts that "there is indisputably nothing in the [Staff Rules in place during his relocations] that clearly prohibits a staff member from claiming dependent relocation benefits based on the reasonably anticipated living situation of a dependent child."

55. While the Applicant concedes that ultimately his daughter never visited his duty station in either Brazil or Washington, D.C., he maintains that he qualified for the dependent relocation benefits because at the time of relocating he had a dependent child who he expected would visit for extended periods. The Applicant maintains that it was outside of his control that his daughter did not actually stay with him, because the custody hearing was pending during both relocation periods.

56. The Applicant further maintains that it would be unfair to have to return the dependent relocation benefits even after he was aware his daughter had not relocated to either duty station within twelve months of relocating. In this respect, the Applicant states that the relevant Staff Rules and procedure do not specify any obligation for him to return the dependent child portion of his benefits. The Applicant further maintains he was not obligated to return the benefits even after he became aware his daughter would not, or did not, relocate with him because "expenses such as lease and utility deposits and real estate agent fees are essentially 'sunk' costs that, once incurred

at the outset of a staff member's relocation, cannot be recouped. Thus [...] it would be unfair to require a staff member to return money spent for a permissible purpose in the event that a reasonably anticipated dependent relocation ultimately fails to happen."

57. Last, the Applicant contends that his conduct does not amount to misconduct because he disclosed all relevant facts to the HR Operations Team and was not advised that he did not qualify for the dependent relocation benefits.

58. In this respect, the Applicant points out that he never stated that his daughter would be relocating. Rather, the Applicant indicated to the HR Operations Team that, although his daughter would not be able to travel to his new duty station immediately, he "expect[ed] [his] daughter [would] spend extended periods with [him]." He further informed HSD, the unit responsible for medical clearances, that "[his] wife and daughter will not live in Brazil but will visit [him] extensively during school holidays." The Applicant notes that he did not explain these same circumstances during his 2018 relocation because "he had no reason to do so after having already specifically raised these issues with HR in 2015 and received no indication that [his circumstances] presented a problem with respect to claiming dependent relocation benefits."

59. To the Applicant, he should not be found to have committed misconduct, because he fully disclosed the material facts regarding his familial situation, and his eligibility for the benefits was then determined by the HR Operations Team on the basis of those facts. In the Applicant's view, it would be grossly unfair to find that he committed misconduct because he

unambiguously made a good-faith effort to comply with the relevant requirements by specifically explaining [to the HR Operations Team] that his daughter would be visiting him for extended periods at a later time and that he believed this entitled him to dependent benefits and then deferring to [the HR Operations Team's] determination of whether he was correct. Thus even if [the HR Operations Team's] determination was in error, [the Applicant's] reliance thereon was entirely reasonable and thus cannot be considered misconduct.

60. In sum, the Applicant contends that he permissibly claimed and received dependent relocation benefits, or, at the very least, that he did not engage in misconduct by accepting such

benefits “after making perfectly clear to HR the material facts regarding his daughter’s anticipated living situation.”

The Bank’s Response

The Applicant’s conduct constitutes misconduct

61. The Bank contends that the Applicant’s conduct constitutes misconduct because (i) the facts legally amount to the misconduct found; (ii) the Applicant’s subjective interpretation of the relevant Staff Rules is flawed; and (iii) the Applicant’s remaining contentions are irrelevant to the misconduct determination.

The facts legally amount to misconduct

62. The Bank first points to the following undisputed facts:

- (a) when relocating from Washington[,] D.C. to Brazil in 2015 on Extended Assignment, [the] Applicant claimed and received the higher Relocation Grant of [\$]15,000 applicable to staff relocating with a dependent child;
- (b) when relocating back to Washington[,] D.C. from Brazil in 2018, [the] Applicant claimed and received both the higher Relocation Grant of \$7,500 and the higher 30-day Temporary Living Allowance of \$12,757.50 applicable to staff relocating with a dependent child;
- (c) [the] Applicant’s daughter did not join him in Brazil during his Extended Assignment or relocate with him to Washington[,] D.C.;
- (d) [the] Applicant never notified HR that his daughter did not join him in Brazil, or that she would not relocate with him to Washington[,] D.C.; and
- (e) [the] Applicant never intended for his daughter to relocate to either Brazil or Washington[,] D.C. but, instead, hoped that she might visit him in those locations.

63. The Bank notes that, with regard to whether the facts legally amount to misconduct, misconduct does not require malice or guilty purpose. Citing Staff Rule 3.00, paragraph 6.01, the Bank maintains that the definition of misconduct

includes failure to observe the Principles of Staff Employment, Staff Rules, Administrative Manual, Code of Conduct, other Bank Group policies, and other duties of employment, including the following acts and omissions: [...] a) [...] abuse or misuse of Bank Group funds related to travel, benefits, allowances[;...] b) [r]eckless failure to identify, or failure to observe, generally applicable norms of prudent professional conduct[; and] c) [a]cts or omissions in conflict with the general obligations of Staff Members set forth in Principle 3, “General Obligations of Staff Members,” of the Principles of Staff Employment.

64. To the Bank, the Applicant’s uncontested conduct constitutes multiple counts of misconduct, as identified by the HRDVP in his Decision Letter. In the Bank’s view, by claiming and receiving benefits to which the Applicant was not entitled, the Applicant breached the former Staff Rule 6.17, paragraph 3.05 (Relocation Grant), in effect in 2015, as well as the current Staff Rule 6.17 and the related Global Mobility Procedure, paragraph 4.04 (Relocation Grant) and paragraph 4.05 (Temporary Living Allowance), in effect in 2018.

65. To the Bank, in order for the Applicant to be eligible for the dependent relocation benefits he received in 2015 and 2018, the Applicant’s daughter would have needed to physically relocate within twelve months of the Applicant’s relocation. Because the Applicant’s daughter never physically relocated to his duty station, and because the Applicant did not, within twelve months of receipt, forfeit the benefits that he claimed and received, the Bank contends that the facts amount to a clear breach of the Staff Rules in place at the relevant time.

66. The Bank contends that the Applicant’s undisputed conduct also clearly constitutes the other related forms of misconduct identified in the Decision Letter, namely (i) failure to observe obligations relating to abuse or misuse of Bank Group funds related to travel, benefits, and allowances; (ii) reckless failure to identify, or failure to observe, generally applicable norms of prudent professional conduct; and (iii) acts or omissions in conflict with the general obligations of staff members set forth in Principle 3 of the Principles of Staff Employment, “including the requirements to avoid situations and activities that might reflect adversely on the [WBG] and conduct themselves at all times in a manner befitting their status as employees of an international organization.”

The Applicant's subjective interpretation of the relevant Staff Rules and procedure is flawed

67. The Bank rejects the Applicant's contention that he was entitled to claim and receive higher dependent relocation benefits because he "reasonably anticipated" that his daughter would be "spending extended periods" with him at his duty station.

68. To the Bank, the Applicant's interpretation of the relevant Staff Rules is inconsistent with the plain meaning of the language used therein. The Bank contends there is nothing at all in the text of the Staff Rules to support the conclusion that a staff member may receive dependent relocation benefits if a dependent child merely visits, rather than relocates to the staff member's new duty station.

69. According to the Bank, the meaning of the word "relocate" is clear. The Bank explains the word relocate "has exactly the same meaning as when applied to the staff member themselves [...]. Put simply, the word 'relocate' requires the relevant individual, in this case the dependent child, to move to the duty station in question." To this end, the Bank cites various dictionary definitions of the word "relocate," including "the act of moving, or of moving somebody/something, to a new place to work or operate" and "to move to a different place." According to the Bank, the Applicant's interpretation of the Staff Rules is flawed because the word "relocate" is "not intended to, and does not under any reasonable reading, cover an anticipated temporary or short-term visit, particularly not one that never actually materializes, as alleged by the Applicant."

70. Furthermore, the Bank points out that the Staff Rules clearly distinguish between benefits which are conditional upon a dependent child relocating with the staff member and those benefits which simply require that the staff member have a dependent child.

71. Last, the Bank maintains that the Applicant's interpretation of the Staff Rules and procedure would produce "absurd results" in practice. According to the Bank, the Applicant's interpretation would, in effect, permit any staff member to claim and retain dependent relocation benefits based on a mere hope that their child might visit in the future, even if the child does not.

To the Bank, this interpretation would be “ripe for abuse” and almost impossible for the Bank to properly monitor and enforce in practice.

The Applicant’s beliefs and communications with HR are irrelevant

72. The Bank contends that the Applicant’s “genuine and reasonable” belief that his daughter would join him for extended periods is not relevant, because a finding of misconduct does not require malice or guilty purpose on the part of the staff member concerned.

73. The Bank maintains, in any event, that the record shows the Applicant’s belief was not reasonable. In this respect the Bank points out that, at the time of the Applicant’s 2015 relocation, the Applicant was aware that his wife had refused to allow their daughter to travel abroad with him. Additionally, five months into his 2015 relocation to Brazil, the Applicant received an interim order from the Kenyan court permitting him to travel within the jurisdiction of Kenya with his daughter during half of her school holidays, not for “extended periods.” Furthermore, the Bank points out that, during the Applicant’s 2018 relocation, the interim order from the Kenyan court remained in place.

74. To the Bank, under these circumstances, the Applicant’s claim that he reasonably believed his daughter would join him for extended periods cannot be sustained.

75. Next, the Bank rejects the Applicant’s contention that his actions do not amount to misconduct because he was “fully transparent” in his interactions with the HR Operations Team “as to the basis on which he was requesting dependent relocation benefits.” To the Bank, whether the Applicant was transparent or not with HR is irrelevant to a misconduct determination because his communication with HR does not absolve the Applicant of his own responsibility to comply with the Staff Rules.

76. The Bank maintains that, in any event, the Applicant’s communications with the HR Operations Team did not fully disclose that his daughter would not reside with him permanently. The Bank instead points out that the Applicant expressly requested that the HR Operations Team

increase his relocation benefits “to account for [his] daughter.” According to the Bank, as a result of the Applicant’s statement, the HR Operations Team was under the impression that the Applicant’s daughter would be relocating to Brazil at a later date within the following twelve months, and the Applicant did nothing to correct that misimpression.

77. Furthermore, the Bank points out that, during the Applicant’s 2018 relocation, the Applicant simply requested the higher relocation grant without providing any information or clarification at all regarding his daughter. The Bank contends that, again as a result of the Applicant’s statements or omissions, the HR Operations Team was under the impression that the Applicant’s daughter was relocating from Brazil to Washington, D.C.

78. The Bank rejects the Applicant’s argument that he relied on HR’s alleged “eligibility determination” because, according to the Bank, the WBG “benefits system is, necessarily, structured in a way that requires, and in fact, obliges staff members to honestly and timely self-report their personal circumstances, in particular regarding dependent family members.” To the Bank, this is clearly reflected in the memoranda that the Applicant received and executed in connection with his relocations.

79. Because the Applicant signed a separate memorandum regarding each relocation expressly agreeing to notify the HR Operations Team of any material changes regarding his dependents during his assignment, and because he did not inform HR at any time that his daughter did not relocate with him, the Bank submits that the Applicant’s argument that he was fully transparent with HR cannot be sustained.

80. In the Bank’s view, the misconduct determination should stand because, by claiming and receiving benefits to which he was not entitled, the Applicant engaged in the forms of misconduct identified in the Decision Letter.

The Applicant's Contention No. 2

Even if any aspect of the Applicant's actions constituted misconduct, the sanctions imposed are significantly disproportionate to the offense

81. The Applicant contends that the penalties imposed on him are unduly harsh in light of the numerous mitigating factors weighing in favor of more lenient disciplinary measures. The Applicant indicates that his intent, extenuating circumstances, and unblemished disciplinary record, despite being acknowledged by the HRDVP in his Decision Letter, were not accorded "any meaningful weight."

82. To support his contention, the Applicant first maintains that he intended to comply with the applicable Staff Rules and procedure during both relocations. Specifically, the Applicant states that he fully disclosed to the HR Operations Team in 2015 that his daughter would not be traveling with him immediately and that her later travel would take the form of extended visits as opposed to permanent relocation. In the Applicant's view, he reasonably relied on HR's approval of the higher benefit amount as confirmation that he was eligible to receive the benefits, and it was therefore reasonable for him to again claim them in 2018, as his custody situation remained the same in 2018 as it had been in 2015.

83. With respect to his extenuating circumstances, the Applicant states that he was facing a difficult family situation during both relocations. Further, he claims that his circumstances, namely his pending custody dispute, are inadequately addressed in the pertinent Staff Rules and procedure regarding relocation benefits. In this respect, the Applicant points out that the Bank could have established clear rules regarding eligibility for relocation benefits where a dependent child would be splitting time between separated parents.

84. Finally, the Applicant maintains the disciplinary measures were unduly harsh considering the Applicant's otherwise unblemished disciplinary record in his nearly twenty years of service, his cooperation with EBC's investigation, and his offer to rectify the situation following receipt of the Notice of Alleged Misconduct by offering to reimburse any benefits to which it was determined he was not entitled.

85. To the Applicant, the above-mentioned mitigating factors were not accorded any meaningful weight, as evidenced by the harsh sanctions. In the Applicant's view, the financial impact of three years without annual salary increases would be devastating. The Applicant states that he has received annual increases averaging more than \$8,000.00 per year over the past three years. The Applicant estimates, on the basis of his previous annual salary increases, that three years without an annual salary increase would amount to a loss of approximately "\$48,000 (i.e. a loss of approximately \$8,000 in the first year of the no-increase period, \$16,000 in the second year, and \$24,000 in the third year)." The Applicant asserts that this sanction will continue to harshly impact him financially even once he is eligible to receive a salary increase because these future increases will be relative to a salary that is less than it otherwise would have been.

86. According to the Applicant, the severity and cumulative financial effect of the sanctions imposed on him are significantly disproportionate to the \$9,145.00 he received for dependent relocation benefits.

The Bank's Response

The sanctions imposed are provided for in the law of the Bank and are not significantly disproportionate to the offense

87. The Bank contends that all of the disciplinary measures imposed on the Applicant are provided for in the law of the Bank because they are expressly referenced in Staff Rule 3.00, paragraph 10.06, as sanctions applicable to misconduct.

88. The Bank rejects the Applicant's argument that the impact of a three-year salary freeze is grossly disproportionate to the offense because the amount he will forfeit will substantially exceed the quantum of the disputed funds. To the Bank, the Applicant's analysis is misguided because, in essence, the Applicant is arguing that the length of a salary freeze should be determined by the absolute dollar value the staff member will forfeit as a result of the freeze. The Bank explains that, under this framework, sanctions would be reduced for senior staff members. To the Bank, the Applicant's analysis fails to account for the fact that "a three-year salary freeze would, in fact,

have the same *relative* and therefore *deterrent* effect on a junior staff member, as on a senior staff member, when examined as a proportion of the staff's overall salary." (Emphasis in original.)

89. The Bank claims that the disciplinary measures in question are not significantly disproportionate to the offense because the Applicant (i) misused funds, (ii) was a senior and experienced staff member, and (iii) wrongfully claimed and received the dependent relocation benefits on more than one occasion.

90. The Bank emphasizes the seriousness of its interest to protect against and deter any misconduct involving World Bank funds, noting that its mission—to alleviate poverty and build prosperity—demands that it be a model of integrity and transparency. To that end, the Bank maintains its Staff Rules provide for the most serious of sanctions when a staff member misuses World Bank funds. According to the Bank, it has a clear and important interest in protecting against misconduct in connection with its funds, and therefore imposing sanctions over and above restitution is not significantly disproportionate.

91. The Bank also points out that, at the time of the Applicant's conduct in question, he held a senior position, had thirteen years' experience working at the WBG, and had relocated to a number of duty stations prior to his conduct in question. In the Bank's view, because of these factors, the Applicant should have been well aware of the Bank's attitude toward misuse of funds, the applicable Staff Rules, and the consequences of breaching those rules. The Bank, citing *AJ*, Decision No. 389 [2009], para. 118, further claims that senior and experienced staff members, such as the Applicant, are expected to lead by example and keep their actions "beyond reproach."

92. The Bank, in support of the proportionality of the disciplinary measures imposed, also points out that the Applicant claimed and received benefits for which he was not eligible, not once, but twice. In the Bank's view, the Applicant was neither forthcoming nor fully transparent in his communications with the HR Operations Team when claiming these benefits on either occasion, and that his transparency is further called into question considering he failed to inform the HR Operations Team that his daughter never relocated with him, despite signing two memoranda obliging him to do so.

93. In response to the mitigating factors raised by the Applicant, the Bank reiterates the HRDVP's explanation to the Applicant that "ignorance of [a] Staff Rule or [...] misinterpretation of [a] Staff Rule's intent and purpose is not a mitigating factor."

94. The Bank further asserts that, irrespective of the Applicant's extenuating circumstances of a pending custody hearing, the Staff Rules on dependent relocation benefits are clear and unambiguous. The Bank maintains that, contrary to the Applicant's contention, the WBG Staff Rules do account for shared custody arrangements by providing for a variety of other benefits, such as Family Assistance Allowances and Education Benefits, which are payable to a staff member irrespective of where the dependent child resides.

95. Last, the Bank acknowledges that the Applicant's otherwise "unblemished disciplinary record" and cooperation with the investigation should be, and were, expressly acknowledged and considered as mitigating factors by the HRDVP in the sanction determination. The Bank explains that an excellent record of performance "may not [be] sufficient to overcome the consequences of even an isolated incidence of financial impropriety" in connection with World Bank funds.

96. To the Bank, each of the above considerations demonstrates that (i) significant disciplinary measures, which reasonably include restitution as well as punitive and deterrent elements, are plainly appropriate and proportionate to this case and (ii) the appropriate mitigating factors were expressly considered by the HRDVP.

97. The Bank maintains that the HRDVP's decision regarding disciplinary measures should stand.

THE TRIBUNAL'S ANALYSIS AND CONCLUSIONS

THE SCOPE OF THE TRIBUNAL'S REVIEW IN DISCIPLINARY CASES

98. The scope of the Tribunal's review in disciplinary cases is well-established. In *Koudogbo*, Decision No. 246 [2001], para. 18, the Tribunal stated that

its scope of review in disciplinary cases is not limited to determining whether there has been an abuse of discretion. When the Tribunal reviews disciplinary cases, it “examines (i) the existence of the facts, (ii) whether they legally amount to misconduct, (iii) whether the sanction imposed is provided for in the law of the Bank, (iv) whether the sanction is not significantly disproportionate to the offence, and (v) whether the requirements of due process were observed.” (*Carew*, Decision No. 142 [1995], para. 32.)

See also FA, Decision No. 612 [2019], para. 138; *EZ*, Decision No. 601 [2019], para. 67; *CH*, Decision No. 489 [2014], para. 22; *CG*, Decision No. 487 [2014], para. 38; *CF*, Decision No. 486 [2014], para. 39; *CB*, Decision No. 476 [2013], para. 31; *AB*, Decision No. 381 [2008], para. 53; *Mustafa*, Decision No. 207 [1999], para. 17.

99. The Tribunal notes that the Applicant does not challenge “whether the sanction imposed is provided for in the law of the Bank” nor does he challenge “whether the requirements of due process were preserved.” The Tribunal will therefore limit its examination to the contentions advanced by the parties.

100. The Tribunal has held that the burden of proof in misconduct cases lies with the respondent organization. It has also stipulated on several occasions that “there must be substantial evidence to support the finding of facts which amount to misconduct.” *FQ*, Decision No. 638 [2020], para. 88. *See also FG*, Decision No. 623 [2020], para. 67; *EZ* [2019], para. 69. In other words, the standard of evidence “in disciplinary decisions leading [...] to misconduct and disciplinary sanctions must be higher than a mere balance of probabilities.” *Dambita*, Decision No. 243 [2001], para. 21.

101. The Tribunal has also stated that its role is to “ensure that a disciplinary measure falls within the legal powers of the Bank.” *M*, Decision No. 369 [2007], para. 54. This, however,

does not mean that the Tribunal is an investigative agency. The Tribunal simply takes the record as it finds it and evaluates the fact-finding methodology, the probative weight of legitimately obtained evidence, and the inherent rationale of the findings in the light of that evidence. *Id.*

102. The present case will be reviewed in the light of these standards.

THE EXISTENCE OF THE FACTS AND WHETHER THOSE FACTS LEGALLY AMOUNT TO MISCONDUCT

103. In accordance with the Tribunal's jurisprudence, the Tribunal will first consider whether the established facts supporting the HRDVP's misconduct decision meet the standard of substantial evidence. The Tribunal notes that the Applicant largely does not challenge the facts established by EBC but focuses on whether they amount to misconduct as determined by the HRDVP.

104. It is undisputed that the Applicant, on two occasions, claimed and received dependent relocation benefits amounting to a total of \$9,145.00 over the course of two relocations which took place in 2015 and 2018.

105. It is further undisputed that the Applicant's child did not relocate to the Applicant's duty stations on either occasion, or even visit either duty station.

106. The parties agree that the Applicant did not inform HR that his daughter did not relocate with him.

107. According to the Applicant's submission to the Kenyan court, the Applicant did not petition the court for physical custody of his daughter. Rather, the custody proceedings addressed, among other requests, the Applicant's request for visitation rights outside of the jurisdiction of Kenya.

108. On the basis of these facts, the HRDVP determined that the Applicant had committed misconduct under Staff Rule 3.00, paragraphs (a), (b), and (c), along with Staff Rule 6.17 in the two versions applicable at the relevant times.

109. In explaining how the Applicant's conduct violated the above-mentioned Staff Rules, the HRDVP stated:

The record shows, that for your relocation from Washington, D.C. to Brasilia in July 2015, you claimed and received a relocation grant of US\$ 15,000, the amount

then payable to staff members who relocate with at least one dependent child, instead of US\$ 12,000, the amount then payable to staff members who relocate without dependent children. For your relocation from Brasilia to Washington, D.C. in September 2018, you claimed and received a relocation grant of US\$ 7,500, the amount payable to staff members who relocate with at least one dependent child, instead of US\$ 5,000, the amount payable to staff members who relocate without dependent children. You also received a 30-day Temporary Living Allowance of US\$ 12,757.50, the amount payable to staff members relocating with at least one dependent child, instead of US\$ 9,112.50, the amount payable to staff members who relocate without dependent children. The record shows that your daughter neither joined you in Brasilia in 2015 nor in Washington, D.C. in 2018. EBC established that for both the 2015 and 2018 relocations, you received US\$ 9,145 for dependent relocation benefits to which you were not eligible.

110. The Applicant maintains that his conduct does not amount to misconduct because he anticipated that his daughter would visit for extended periods and that her potential visits were a consideration in his selecting housing. The Tribunal observes that the applicable Staff Rules in place during the Applicant's relocations provide that "[t]he amount of the Relocation Grant is [...] \$15,000 for a staff member relocating *with* at least one dependent child." (Emphasis added.) In plain words, staff members are eligible for a dependent relocation grant only if they are relocating with at least one dependent child. Pursuant to the Staff Rules, the dependent relocation grant is not applicable where, as in this case, a staff member anticipates "extended visits" by a dependent child and where the dependent child is not relocating with the staff member at the time of their relocation or within twelve months of the staff member's relocation.

111. Furthermore, the Tribunal is unpersuaded by the Applicant's contention that his conduct does not constitute misconduct because, according to the Applicant, the eligibility determination was made by HR. First, this contention is unpersuasive because the Applicant is at all times obligated to follow the Staff Rules. And, second, the record demonstrates that the HR Operations Team consistently informed the Applicant that he would be eligible for the dependent relocation benefits only "if relocating with at least one child"; "[i]f [his] family will intend to relocate at a later time (but within the 12 months['] timeframe"; and/or "if she [the Applicant's daughter] would be relocating to Brasilia." There is nothing in the record that demonstrates that the HR Operations Team expressly advised the Applicant that he would be eligible for dependent relocation benefits on the basis of anticipated visits from his daughter. It may have been helpful had the HR Operations

Team replied specifically informing the Applicant, who had twice raised the query of “extended visits,” that visits do not qualify as relocation. In any event, the record demonstrates that, at the time of his 2015 relocation, the Applicant requested the HR Operations Team to revise his memorandum of benefits to include dependent relocation benefits.

112. In applying the undisputed facts to the applicable Staff Rules, the Tribunal notes that the Applicant’s status at the time of his 2015 and 2018 relocation was that of a “Staff Member relocating without Dependent Children” because the Applicant relocated to both duty stations without his child despite having a dependent child. Yet the record demonstrates that the Applicant claimed and received relocation benefits in amounts provided to a “Staff Member relocating with at least one Dependent Child” in violation of Staff Rule 6.17, paragraph 3.05, in place during the Applicant’s 2015 relocation, and the Global Mobility Procedure, paragraphs 4.04 and 4.05, in place at the time of the Applicant’s 2018 relocation. Notably, the Applicant retained the benefits, though the conditions for receiving them were not met.

113. Based on the undisputed facts, the Applicant’s conduct also provides substantial evidence to support the HRDVP’s misconduct decision that, by twice claiming and receiving dependent relocation benefits for which he was not eligible, the Applicant committed certain types of misconduct, namely (i) an “abuse or misuse of Bank Group funds related to travel, benefits, allowances”; (ii) “reckless failure to identify, or failure to observe, generally applicable norms of prudent professional conduct”; and (iii) “acts or omissions in conflict with the general obligations of staff members set forth in Principle 3 of the Principles of Staff Employment including the requirements that staff avoid situations and activities that might reflect adversely on the Organizations (Principle 3.1) and conduct themselves at all times in a manner befitting their status as employees of an international organization (Principle 3.1(c)).”

114. Although the Applicant maintains that he intended to comply with the Staff Rules, Staff Rule 3.00, paragraph 6.01, makes clear that “[m]isconduct does not require malice or guilty purpose, and it includes failure to observe the Principles of Staff Employment, Staff Rules, Code of Conduct, other Bank Group policies, and other duties of employment.”

115. On the basis of the undisputed facts, the Tribunal finds there is substantial evidence in the record to support the HRDVP's misconduct decision.

WHETHER THE SANCTIONS ARE SIGNIFICANTLY DISPROPORTIONATE TO THE OFFENSE

116. The Tribunal notes that the Applicant does not challenge whether the sanctions imposed are provided for in the law of the Bank. The Tribunal will therefore consider whether the sanctions imposed are significantly disproportionate to the misconduct.

117. In *Gregorio*, Decision No. 14 [1983], para. 47, the Tribunal held that, in order for a sanction to be proportionate,

there must be some reasonable relationship between the staff member's delinquency and the severity of the discipline imposed by the Bank. The Tribunal has the authority to determine whether a sanction imposed by the Bank upon a staff member is significantly disproportionate to the staff member's offense, for if the Bank were so to act, its action would properly be deemed arbitrary or discriminatory.

118. In *Houdart*, Decision No. 543 [2016], para. 95, the Tribunal reiterated the principle of proportionality and observed that,

in addressing the issue of proportionality, its job is not to decide what sanction the Tribunal would impose or whether the HRVP [now HRDVP] chose the best penalty, but, rather, whether the HRVP reasonably exercised his discretion in this matter. [...] [T]here is no mechanical formula on how to weigh these considerations. The selection of the sanction in a given case requires a judgment of balancing the relevant factors by the HRVP. That discretionary judgment is for the HRVP to make, and as long as [the] HRVP's decision was not unreasonable, the Tribunal will not interfere.

119. In the present case, the HRDVP imposed the following disciplinary measures:

- (i) Ineligibility for salary increase for a period of 3 (three) years beginning FY20;
- (ii) Restitution to the WBG for financial losses attributable to your actions for the total amount of dependent relocation benefits paid to you in October

2015 and August 2018, which would be reimbursed to the WBG through a reduction in your payroll; and

- (iii) This letter will remain on your personnel record indefinitely.

120. The Applicant contends that the cumulative financial loss he might suffer because of these sanctions is disproportionate to the amount he received allegedly in error. However, the Tribunal finds this is not the appropriate method by which to consider proportionality.

121. Rather, Staff Rule 3.00, paragraph 10.09, informs the HRDVP of the factors to weigh in consideration of the disciplinary measures to impose. It requires that

[a]ny decision on disciplinary measures takes into account such factors as the seriousness of the matter, any extenuating circumstances, the situation of the Staff Member, the interests of the Bank Group, and the frequency of conduct for which disciplinary measures [...] may be imposed.

122. The Tribunal observes the following extenuating circumstances were expressly considered by the HRDVP in determining the proportionality of the disciplinary measures to be imposed: (i) that the Applicant has no prior disciplinary findings against him and (ii) that he fully cooperated with EBC's investigation.

123. The HRDVP further stated in the Decision Letter that he considered the "seriousness of the matter" and the "interests of the Bank Group" in deciding the proportionality of sanctions. The Tribunal appreciates the seriousness of a misconduct involving the misuse of World Bank funds and has previously noted in this respect that "the Bank's mission to alleviate poverty and build prosperity demands that it be a model of integrity [and] transparency [...]. [A]ccordingly, its staff members are placed in a position of public trust." *CF* [2014], para. 206.

124. In his Decision Letter, the HRDVP also acknowledged the frequency of the Applicant's conduct by noting that the Applicant claimed and received dependent relocation benefits on two separate occasions.

125. The Tribunal reiterates that “there is no mechanical formula on how to weigh these considerations. [...] That discretionary judgment is for the HR[D]VP to make, and as long as [the] HR[D]VP’s decision was not unreasonable, the Tribunal will not interfere.” *Houdart* [2016], para. 95.

126. In considering the proportionality of sanctions, the Tribunal has examined other misconduct cases “to assess whether the sanctions imposed in a given case are reasonable.” *FO*, Decision No. 634 [2020], para. 83.

127. Here, the Tribunal ordered the Bank to produce, in the form of a comparative chart, five years’ worth of information on the sanctions the Bank has imposed in other instances of staff misconduct pertaining to claiming and receiving benefits for which the subject was not eligible.

128. In considering the information, the Tribunal is mindful that, pursuant to Staff Rule 3.00, paragraph 10.09, disciplinary measures are determined on a case-by-case basis. Still, the information provided in accordance with the Tribunal’s order is helpful to determine whether the sanctions imposed are reasonable in this case.

129. In considering the comparative chart provided, the Tribunal notes that two of the six cases involved staff members holding short-term appointments who misused funds and were sanctioned with hiring restrictions, access restrictions, orders to pay full restitution, and written censures to remain on their respective personnel files indefinitely. In both cases the subjects had no record of prior disciplinary proceedings and offered to repay the WBG.

130. The remaining four cases involved staff members holding graded appointments, all of whom were sanctioned more harshly than the Applicant, including sanctions of termination, demotion, access restrictions, hiring restrictions on future employment, and longer durations for promotion and salary increase ineligibility.

131. According to the Bank,

the disciplinary measures imposed on the Applicant in this case are not only at the lowest end of the spectrum of disciplinary measures available to the HR[D]VP under Staff Rule 3.00, paragraph 10.06, but are also at the lowest end of the spectrum of disciplinary measures actually imposed on subject staff members in financial misconduct cases over the past five years.

132. The Tribunal observes that the situation may not have arisen if the Bank's HR Operations Team had expressly clarified that extended visits do not amount to relocation. Nevertheless, considering the Bank's strong incentive to prevent the misuse of World Bank funds, the Applicant's seniority and relocation experience, and the frequency of the conduct, in balance with the Applicant's cooperation with EBC and lack of a prior disciplinary record, the Tribunal finds the sanctions imposed are reasonable and will not interfere.

133. The Tribunal is satisfied, on the basis of the circumstances of this case, that the sanctions imposed on the Applicant are not significantly disproportionate to the offense.

DECISION

The Application is dismissed.

/S/ Andrew Burgess

Andrew Burgess

President

/S/Zakir Hafez

Zakir Hafez

Executive Secretary

At Washington, D.C., * 7 June 2021

*In view of the public health emergency occasioned by the COVID-19 pandemic and in the interest of the prompt and efficient administration of justice, the Tribunal conducted its deliberations in these proceedings remotely, by way of audio-video conferencing coordinated by the Office of the Executive Secretary.