

**Summary of González Flavell (Nos. 5 and 7) v. IBRD (Preliminary Objection),  
Decision No. 603 [2019]**

The Applicant challenged (i) the decision by Peer Review Services (PRS) to partially uphold Requests for Review Nos. 386 and 393; (ii) the Bank's alleged use of the Applicant's annual leave without her consent while she was on Short Term Disability (STD); and (iii) the alleged failure to provide the Applicant with "a full and/or proper explanation" of the mistakes made in the calculation of her education benefits while she was on STD and "a justification and reconciliation of amounts repaid to correct errors of deductions due to supposed 'over-payment.'" The Bank raised preliminary objections to the admissibility of both Applications, claiming that (i) they were time-barred; (ii) the Tribunal lacked jurisdiction *ratione materiae*; and (iii) Application No. 5 should be dismissed on the basis of the principle of *res judicata*.

Regarding the Bank's first objection, the Tribunal found that both Applications were timely. Regarding Application No. 5, the Tribunal found that the timeliness of the Application was to be calculated from the date on which the Applicant received notice from the Human Resources Vice President (HRVP) that the relief she had asked for in Request for Review No. 393 would be partially granted, which according to the record was on 2 April 2018. The Tribunal observed that pursuant to Article II(2)(ii)(b) of the Tribunal's Statute, the Applicant had until 31 July 2018 to file a timely application before the Tribunal, which she did, as shown by the record. Regarding Application No. 7, the Tribunal observed that the Applicant received notification of the HRVP's decision on 27 March 2018 and had until 25 July 2018 to file a timely application before the Tribunal. The record showed that the Applicant had sent the Application by mail on 25 July 2018 even though the Tribunal's Secretariat received it days later. The Tribunal considered 25 July 2018 as the date of the filing of the Application and found, therefore, that it had been timely filed.

The Tribunal upheld the Bank's objection *ratione materiae*. While noting that it "does not micromanage the activities" of PRS and "will not second-guess" its procedural decisions unless "they resulted in violation of a staff member's rights, e.g. a refusal to deal with a complaint at all," the Tribunal held that the Applicant's challenges to procedural decisions made by PRS in Requests for Review No. 393 and No. 386 were not that they constituted "a refusal to deal with a complaint at all" or that they "prejudiced [the Applicant's] access to consideration" of her claims by PRS. The Tribunal observed that the PRS decisions attacked by the Applicant were those that PRS was entitled to make under its rules of procedure.

Finally, the Tribunal dismissed the Bank's *res judicata* objection, noting that the claims and issues raised by the Applicant in Decision No. 570 differed from those in Application No. 5.

**Decision:** The Bank's preliminary objections on the timeliness of Applications No. 5 and No. 7 and the Bank's *res judicata* objection were dismissed. The objections on the Applicant's challenges of the decisions taken by PRS in Requests for Review No. 393 and No. 386 were upheld.

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)