

Summary of González Flavell (Nos. 6 and 9) v. IBRD (Preliminary Objection), Decision No. 604 [2019]

The Applicant challenged (i) the dismissal by Peer Review Services (PRS) of Requests for Review Nos. 401 and 410; (ii) the Bank’s alleged failure to “provid[e] a six-month period of job search under the Notice of Redundancy”; (iii) her manager’s refusal to attend mediation; (iv) the “wrongful detention of [her] personal belongings and possessions”; and (v) “misleading statements as to personal job assistance.” The Bank raised a preliminary objection to the admissibility of the Applications, claiming that (i) the claims were time-barred and do not relate to the Applicant’s contract of employment or terms of appointment; (ii) the Tribunal lacks jurisdiction *ratione materiae*; and (iii) the Applications should be dismissed on the principle of *res judicata*.

The Tribunal examined the facts and found that with respect to the Applicant’s sixth application, her claim that the Bank failed to give her a full six-month job search period was both out of time and manifestly unfounded. The Tribunal found that, while the Applicant received a message on 7 June 2017 that she was considered fit to return to work by the Reed Group, the record showed that she knew, as of 25 May 2017, the exact effective date of the reactivated Notice of Redundancy because the date was made retroactive to 2 June 2017 to assist her and ensure she received 100% pay. The Tribunal held that the Applicant could not on the one hand benefit from the retroactive effect of the Reed Group’s decision, and on the other hand accuse the Bank of reducing her job search period by five days. The record also showed that the Applicant had requested a cash-out payment in lieu of two months’ notice. It was thus apparent – from the Applicant’s own actions – that compliance with the obligation to provide a full six-month job search period was not as important to her as she asserts.

Regarding the Applicant’s ninth application, the Tribunal found that there was no dispute to mediate as the Applicant’s former supervisor had already agreed to provide the Applicant with any job references. Furthermore, the Applicant’s claim on the alleged “wrongful detention of [her] personal belongings and possessions” was found to be time-barred.

Decision: The Applications were dismissed.