

Summary of González Flavell (No. 13) v. IBRD, Decision No. 611 [2019]

Invoking Article XIII of the Tribunal's Statute, the Applicant sought revision of *González Flavell*, Decision No. 553 [2017]. According to the Applicant, the Tribunal should "re-open Decision 553 in so far as (i) that decision relied on leave records existing at the time of Decision 553 and (ii) in so far as Decision 553 concerned failures in respect of following [the] established performance evaluation process in 2015." The Applicant submitted evidence that the Bank's leave records incorrectly stated that she was on annual leave during a time when she was in the office and able to have a performance evaluation meeting with her manager.

The Tribunal held that the discovery of new information does not entail the automatic revision of an existing judgment, in this case Decision No. 553. In order to revise the section of Decision No. 553 concerning the Applicant's FY2015 OPE, the Tribunal must be convinced that the annual leave records had a decisive and material impact on the judgment. They did not. According to the Tribunal, the matter of the Applicant's leave records had no bearing on the question of who was eligible to perform her 2015 performance evaluation. Furthermore, the Applicant's leave records were irrelevant to her claim that her manager should have assigned her work. The Tribunal held that this claim was connected to the failure to provide the Applicant with a work program which was already appropriately addressed by the Tribunal in Decision No. 553.

Finally, the Tribunal observed that the Applicant submitted a list of requested remedies, including financial compensation, that were not connected in any remote manner to the newly discovered information of the incorrect leave records. The Tribunal found that the Applicant was attempting to relitigate the redundancy decision, thus not accepting the finality of the Tribunal's judgments. The Tribunal held that there was no legal basis to order the Applicant's reinstatement or the provision of any of the financial compensation she sought.

Decision: The Application was dismissed.