

**Summary of González Flavell (No. 4) v. IBRD (Preliminary Objection), Decision No. 597 [2018]**

The Applicant challenged the reactivation of the Notice of Redundancy dated 1 July 2015, the Bank's failure to rescind and withdraw such Notice, and the termination of the Applicant's employment pursuant to the activation of the Notice.

The Bank raised a preliminary objection to the admissibility the Application, claiming that it was barred by *res judicata*, or in the alternative, that it was time-barred.

The Tribunal examined the facts and claims in *González Flavell*, Decision No. 553 [2017] and compared them to those in the present Application. In Decision No. 553, the Tribunal found that the redundancy decision was affected by improper motivations and awarded the Applicant compensation but did not order rescission of the Notice of Redundancy. Instead, the Tribunal stated that its decision was made "without prejudice to any decision that the Bank may make concerning the Notice of Redundancy."

The Tribunal found that the Applicant could not ask the Tribunal to re-examine the validity of the redundancy decision. According to the Tribunal, the date of the impugned decision was 1 July 2015, when the Notice of Redundancy was issued, and the implementation of that decision was suspended until the Applicant was fit to return to work. The Applicant was informed on 7 June 2017 that she had been considered fit to return to work effective 2 June 2017. As soon as the Applicant was found fit to return to work, the suspension of the Notice of Redundancy was lifted, and the Notice of Redundancy took effect. The Tribunal concluded that no new decision was taken between June and December 2017 to make the Applicant's position redundant.

Having found that the Application was barred by *res judicata*, the Tribunal did not need to consider whether the Application should also be dismissed on the ground that it is time-barred.

**Decision:** The Application was dismissed.