

Summary of Andriamilamina (No. 2) v. IFC, Decision No. 614 [2019]

The Applicant challenged (i) her Fiscal Year 2017 (FY17) performance evaluation; and (ii) the International Finance Corporation's (IFC's) failure in its obligation to act fairly in the management of her career. The IFC raised a preliminary objection to the admissibility of the Applicant's career mismanagement claim. The Tribunal addressed both the preliminary objection and the merits in this judgment.

The Tribunal found the supervisor's recommendation for the Applicant to more flexibly adapt to the department's needs was consistent with the feedback the Applicant received. The Tribunal, which has repeatedly emphasized the importance for it to avoid microscopic review and substitution of its own judgment for that of management, was satisfied that there was a reasonable and observable basis for the supervisor's comments regarding the Applicant's performance based on the received feedback and the record as a whole. The Tribunal further found that the Reviewing Official's delay in signing off on the Applicant's FY17 performance evaluation was not arbitrary, and that the Applicant's essential guarantees of due process were observed.

The IFC contended (i) that the Applicant's career mismanagement claim stemming from her FY16 performance evaluation, was barred by the principle of *res judicata*; and (ii) that the Applicant had not exhausted internal remedies for her career mismanagement claim stemming from her FY17 performance evaluation, because she did not seek review of the matter through Peer Review Services (PRS), rather, she utilized Performance Management Review (PMR). The Applicant maintained that, when she sought clarity on PRS's jurisdiction over career mismanagement claims stemming from disputed performance evaluations, she was provided tentative, confusing advice from the PRS Secretariat.

The Tribunal found that the Applicant's claim of career mismanagement, as it related to and was based on facts that had been addressed by the Tribunal in the Applicant's previous case, *EQ (Merits)*, Decision No. 595 [2018], was irreceivable under the principle of *res judicata*.

In consideration of the Applicant's career mismanagement claim stemming from her FY17 performance evaluation, the Tribunal observed the language of the PRS and PMR directives and noted an ambiguity relating to career mismanagement claims which stem from performance evaluations. Given this background, the Tribunal proceeded to review the Applicant's career mismanagement claim as it pertained to her FY17 performance evaluation.

Having considered the Applicant's FY17 performance evaluation claim and finding a reasonable and observable basis for the substance of the performance evaluation and noting that the Applicant's performance was rated fully satisfactory during FY17, the Tribunal found it unnecessary to address the arguments of the parties with respect to the career mismanagement claim stemming from the FY17 performance evaluation and dismissed it, finding no basis.

Decision: The Application was dismissed.