

Summary of Brace v. IFC (Preliminary Objection), Decision No. 621 [2019]

The Applicant challenged the International Finance Corporation's (IFC) acceptance of the recommendations by the Peer Review Services (PRS) Panel in Request for Review No. 400, in which the Applicant sought review of issues related to ending employment, benefits and compensation, and alleged conduct of management.

The IFC raised a preliminary objection to the admissibility of the Application, contending that the Tribunal lacks jurisdiction because (i) the Applicant's claims are inadmissible *ratione temporis*, as the challenged decision was made on 14 June 2018 and the Application was submitted well after the 120-day time limit; (ii) the Applicant's claims are inadmissible *ratione materiae*, as they do not allege non-observance of the employment contract or terms of appointment; and (iii) the Applicant's claims are inadmissible because he failed to exhaust internal remedies.

The Tribunal examined the facts and found that the Applicant's challenge was time-barred because the Application was submitted well after the 120-day time limit and because no exceptional circumstances existed. The Tribunal found it reasonable to conclude that the Applicant was notified of the IFC's decision to accept the recommendations of PRS on or immediately around 15 June 2018, the date on which the Senior Human Resources Specialist mailed the Panel Report and IFC decision letter to an address provided by the Applicant to the IFC, after not receiving an answer from the Applicant as to how he would like to receive the documents. The Tribunal did not find that exceptional circumstances existed warranting excusal from the 120-day time limit because the Applicant provided no evidence to support his claim and did not meet the standard of "reliable and pertinent 'contemporaneous proof.'"

Decision: The Application was dismissed.