

Summary of DZ (No. 2) v. IBRD, Decision No. 590 [2018]

The Applicant challenged: 1) the decision to deny her eligibility for the Retiree Medical Insurance Plan 1 (RMIP-1); and 2) the Bank's 2016 amendment of Staff Rule 6.12. According to the Applicant this amendment was a material change to Staff Rule 6.12 and was made in order to implement the Bank's interpretation of that rule following her case before Peer Review Services (PRS). The Applicant also raised allegations of interference, bias, and lack of transparency related to PRS Request for Review No. 338 and the Bank's subsequent amendment of Staff Rule 6.12 without prior consultation with staff. The Applicant further contested the decisions of certain IJS units declining to investigate or otherwise take action concerning her claims of potential misconduct.

The Bank raised a preliminary objection to the admissibility of the Application. According to the Bank, the Applicant's claim to RMIP-1 benefit was time-barred.

The Tribunal found that there were indications on the record that the Applicant knew or should have known that she would not be entitled to RMIP-1 benefits upon retirement. Given that important documents were publicly available to staff and provided information on essential medical benefits during retirement, the Tribunal is unpersuaded that the Applicant only discovered in 2015 when she went to enquire about her retiree benefits that she was not considered "staff on board" prior to 14 April 1998 for the purposes of eligibility for RMIP-1 benefits.

The Tribunal also found credence in the Bank's statement that its amendment to Staff Rule 6.12 was immaterial. The Tribunal thereby found that the Applicant's claim in this regard was without merit.

Finally, the Tribunal held that it was within its powers to assess the reasonableness of decisions not to investigate the Applicant's claims as it has done in the past. The Tribunal therefore found that it has jurisdiction to review the decisions not to investigate the Applicant's claims.

Decision: The Bank's preliminary objections on the Applicant's claims concerning RMIP-1 benefits and the amendment of Staff Rule 6.12 were upheld. The Bank's preliminary objection on the Applicant's challenge of decisions not to investigate her claims of manipulation, interference, bias, and potential misconduct was dismissed. The Bank was instructed to contribute to the Applicant's legal fees and costs in the amount of \$4000.