

Summary of FR v. IFC, (Preliminary Objection) Decision No. 639 [2020]

The Applicant challenged “the process for the selection of the person to lead the Coordination Unit, his non-selection to lead the Coordination Unit, as well as his demotion and removal from leadership.” The IFC submitted a preliminary objection contesting the admissibility of the Applicant’s claim concerning the selection of the Head of the Coordination Unit. This judgment addressed the IFC’s preliminary objection.

The Tribunal assessed whether the Applicant failed to exhaust internal remedies by failing to raise his claim concerning the selection of the Head of the Coordination Unit before PRS. The Tribunal held that although the Applicant did not mention the selected person by name in his PRS requests for review, the Applicant challenged, and raised concerns about, the selection of the Head of the Coordination Unit because he believed it was connected to his alleged demotion and removal from a position of authority. The Tribunal found that the evidence did not support the IFC’s contentions.

On the question of whether the Applicant submitted this claim in a timely manner, the Tribunal held that the Applicant could not have challenged the selection of the Head of the Coordination Unit prior to the establishment of the unit and the appointment of the individual. Having reviewed the record, the Tribunal noted that there was no disputed employment matter for the Applicant to challenge before PRS until 11 June 2018 when the individual in question was formally appointed as the Head of the Coordination Unit and 26 June 2018 when the Applicant was informed, as he claims, that he would be removed from the VPU leadership team and would not be proposed for career progression. On the latter date the Applicant perceived that the alleged promises the VP made to him were reneged upon. The Applicant had from 11 June 2018 to submit a claim only on Mr. X’s formal appointment as the Head of the Coordination Unit, and certainly from 26 June 2018 to challenge the collective impugned managerial decisions. The record shows that the Applicant submitted Request for Review No. 434 on 17 July 2018. Accordingly, his claim was submitted to PRS in a timely manner.

The Tribunal therefore dismissed the IFC’s preliminary objection and accepted jurisdiction over all of the Applicant’s claims.

Decision: The IFC’s preliminary objection was dismissed. The IFC was ordered to pay the Applicant’s legal fees and costs in the amount of \$10,000.00 for the preliminary objection phase of the proceedings.

This summary is provided to assist in understanding the Tribunal’s decision. It does not form part of the reasons for the decision. The full judgment of the Tribunal is the only authoritative document. Judgments are available at: www.worldbank.org/tribunal