

Summary of FT v. IBRD, Decision No. 645 [2021]

The Applicant challenged the decision of the Pension Benefits Administration Committee (PBAC) to deny her request for surviving spouse benefits under the Staff Retirement Plan (SRP) in respect of the late Mr. A, a retired Bank staff member. A son of Mr. A, as a beneficiary of his estate, and an executor of Mr. A's estate were allowed to intervene.

The Tribunal began its analysis by noting the established facts. The Tribunal next considered the requirements of the SRP, finding that the plain text of Section 11.2(a)(ii) of the SRP requires that, in order to qualify for the surviving spouse benefit, "a surviving spouse must be married to the decedent participant not only on the last day of contributory service but also at the time of death." Applying the established facts to these requirements, the Tribunal determined that it was evident from the record that, prior to his death, Mr. A had obtained a divorce certificate which decreed that his marriage to the Applicant was dissolved.

The Tribunal next considered the Applicant's challenges to the validity of the divorce certificate. The Tribunal first found that the Applicant had not produced evidence to cast doubt on the facial validity of the divorce certificate. The Tribunal also found that a divorce certificate is sufficient to establish that the deceased staff member was no longer married at the time of the staff member's death. The Tribunal next recalled that it does not have the authority to interpret national laws or pronounce on the validity of decisions of national courts and found that, having failed to challenge the divorce certificate in the proper forums for over five years after being notified of its existence, the Applicant was prevented from raising with the Tribunal challenges that are cognizable in courts of Bank Group member states with jurisdiction over such matters. The Tribunal finally found no basis to consider the divorce certificate the result of a fraud.

The Tribunal next considered whether due process was observed. The Tribunal noted that the Applicant contended that the divorce proceedings in Ghana did not comply with fair and reasonable procedure. The Tribunal recalled that it does not have the authority to assess the legal adequacy of the judicial system of a member state.

The Tribunal finally considered the Applicant's contention that she had a legitimate expectation to receive surviving spouse benefits. Having considered the record, the Tribunal found that it was unreasonable for the Applicant to expect that the spousal support obligation would extend to the right of survivorship on the basis of her communication with the Pension Administration. The Tribunal also found that the Applicant's belief that she would be recognized as Mr. A's spouse and receive a surviving spouse pension was unfounded and inconsistent with the record.

Decision: The decision of the PBAC was affirmed. The parties were ordered to bear their own costs. All other claims were dismissed.

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.