

Summary of FU v. IBRD, Decision No. 646 [2021]

The Applicant challenged the determination by the Vice President, Human Resources Development (HRDVP) that there was sufficient evidence to support a finding that he committed misconduct in violation of the Staff Rules and World Bank Group (WBG) travel policies – Staff Rule 3.00, paragraphs 6.01(b) and (c), and Administrative Manual Statement (AMS) 3.10, paragraphs 25(a) and (i) – and the imposition of disciplinary measures against him. The Applicant also contested the decision to “terminate his STC contract and non-payment of that contract.”

The Tribunal followed its well-established scope of review in disciplinary cases. The Tribunal first considered the existence of the facts and whether they amounted to misconduct. In this regard, the Tribunal noted the Applicant’s admission that he submitted the “wrong files” with his Statement of Expenses (SOEs), the substantial evidentiary record of inaccurate filings by the Applicant of his SOEs, and the strong and well-developed evidentiary record consisting of compelling and robust testimonial and documentary materials in finding that the Bank met its burden of proof in showing that there was “substantial” evidence to support the HRDVP’s finding of misconduct.

The Tribunal next considered whether the sanctions imposed were significantly disproportionate to the offense. The Tribunal noted that the disciplinary measures imposed on the Applicant were (i) a three-year hiring restriction, (ii) a three-year access restriction to WBG facilities, and (iii) a written censure to remain in the Applicant’s personnel file. The Tribunal, observing the “nature and persistence” of the misconduct in question, noted that it found no reason in the record to hold that the HRDVP’s decision was unreasonable, nor did it find any other grounds upon which the imposed sanctions should have been set aside. Accordingly, the Tribunal found that the sanctions imposed on the Applicant were not disproportionate to the offense.

Finally, the Tribunal considered whether the requirements of due process were observed. Based on the evidence in the record, the Tribunal found that (i) the Applicant received a fair statement of the allegations against him, (ii) there were sufficient grounds to initiate an investigation, (iii) the Applicant was granted access to his emails, and (iv) the Applicant was not denied the right to be accompanied by an attorney to his EBC interview, because no such right exists.

Regarding the Applicant’s STC contract, the Tribunal noted that the Bank stated that the Applicant completed a total of 42 days instead of the “approximately 30 days” that were stated in his Letter of Appointment (LOA) and that “no balance remained on his contract” when it was closed. The Tribunal also noted that the Applicant did not deny or contest the Bank’s assertions. The Tribunal observed that the Applicant was out of time to challenge the alleged termination of his STC contract when he submitted his first request for extension, and that the Applicant must timely exhaust all internal remedies before raising a claim of non-payment under his contract, which he failed to do. In any event, the Tribunal found that these claims had no basis on the merits.

Decision: The Application was 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.