

## Summary of FY v. IBRD, (Preliminary Objection) Decision No. 652 [2021]

The Applicant challenged the decision of Peer Review Services (PRS) to dismiss his Request for Review. The Bank submitted a preliminary objection challenging the timeliness of the Application.

The Tribunal first considered whether the Applicant filed his Application in a timely manner. Applying Article II of the Tribunal's Statute to the present case, the Tribunal observed that the Applicant had 120 days after the PRS process was completed to submit his Application. The Tribunal noted, however, that, although the Applicant acknowledged receiving the PRS Panel's decision to dismiss his Request for Review on 24 January 2020, he failed to submit his Application or request for extension by the filing deadline of 25 May 2020. Furthermore, the Tribunal noted that the record was devoid of any instance whereby the Applicant either asserted that his Application was timely or disputed the Bank's contention that he submitted his Application out of time. Accordingly, the Tribunal found that the Applicant did not submit his Application in a timely manner.

The Tribunal next considered whether there were exceptional circumstances to excuse the late filing of the Application. The Applicant contended that exceptional circumstances existed based on two distinct circumstances: (i) the COVID-19 pandemic and (ii) the Applicant's lack of legal representation. With regard to the first contention, the Tribunal noted that "the Applicant's mere citing of the COVID-19 pandemic without more does not make it an exceptional circumstance." The Tribunal found that the specific instances cited by the Applicant in the record to excuse his late filing – that the pandemic had a "severe impact in society as whole" and that there was a "lack of jobs, unemployment, etc[.]" – were too general to constitute exceptional circumstances based on Tribunal precedent. Regarding the second contention, the Tribunal noted that "the Tribunal's Statute does not require applicants to engage legal counsel to file their applications." Accordingly, the Tribunal found that there were no exceptional circumstances to excuse the late submission of the Application.

**Decision:** The Application was dismissed.