

Summary of GA v. IBRD, (Preliminary Objection) Decision No. 655 [2021]

The Applicant challenged the Bank's decision to shorten the duration of her Short-Term Temporary (STT) contract. The Bank submitted a preliminary objection challenging the timeliness of the Application.

The Tribunal first considered whether the Applicant filed her Application in a timely manner pursuant to Article II of the Tribunal's Statute, which grants applicants 120 days from the date of the "occurrence of the event giving rise to the application" to file an application. The Tribunal found that the Applicant filed her Application out of time, noting that the Applicant (i) filed her request for extension of the application deadline 200 days after she received the notice of termination of her STT contract and (ii) expressly admitted to filing her Application late. The Tribunal also noted that, contrary to the Applicant's assertion that the Tribunal's grant of her request for an extension cured the late filing of her Application, the grant of the extension was given with the express reservation that it was "without prejudice to the position of the Bank with respect to any defenses or objections of any nature." Accordingly, the Tribunal found that the Application was untimely.

The Tribunal next considered whether there were exceptional circumstances to excuse the late filing of the Application. In this regard, the Tribunal was not convinced by the Applicant's assertions that the COVID-19 pandemic created exceptional circumstances that did not allow her to find legal representation and submit an application within the prescribed 120-day period. First, the Tribunal noted that it has long held that an applicant's inability to engage an attorney in due time does not constitute an exceptional circumstance under Article II of the Tribunal's Statute. Second, the Tribunal found that the specific circumstances cited by the Applicant in the record to excuse the late filing of her Application, such as the closures and lockdown resulting from the COVID-19 pandemic, were too general to constitute exceptional circumstances as defined by the Tribunal's jurisprudence. Accordingly, the Tribunal found that there were no exceptional circumstances that excused the late filing of the Application.

Decision: The Application was dismissed.