

## Summary of GL v. IBRD, (Preliminary Objection) Decision No. 666 [2021]

The Applicant challenged (i) the decision not to progress him to Grade Level GG2 at the end of Fiscal Year (FY) 2018, (ii) his 2019 performance review, (iii) the decision by the Ethics and Business Conduct Department (EBC) to close its review into allegations of retaliation allegedly perpetrated against him, and (iv) the decision not to progress him to Grade Level GG2 at the end of FY 2019. The Bank submitted preliminary objections on the basis of untimeliness and failure to exhaust internal remedies.

As a preliminary matter, the Tribunal noted that the parties were in agreement that the Applicant's claim regarding the 2019 Non-Progression Decision was timely filed and properly within the Tribunal's jurisdiction. The Bank's preliminary objections did not challenge this claim.

The Tribunal first considered whether the Applicant's 2018 Non-Progression claim timely exhausted internal remedies. The Tribunal found that the record demonstrated that the Applicant never explicitly challenged the 2018 Non-Progression Decision before Peer Review Services (PRS) pursuant to Staff Rule 9.03, and therefore he did not timely exhaust internal remedies. The Applicant maintained that his claim regarding the 2018 Non-Progression Decision was "already part of the record" and "tied" to his 2019 Non-Progression Decision claim that was considered by the PRS Panel. However, the Tribunal found that in any event the Applicant's 2018 Non-Progression Decision claim could not have been reviewed by PRS because it was untimely. The Tribunal noted that the Applicant filed his Request for Review with PRS on 3 February 2020 – more than one year after the deadline of 29 January 2019, and well beyond the 120-day time limit.

The Tribunal next considered whether the Applicant exhausted internal remedies with respect to his 2019 Performance Management Decision claim challenging his 2019 Overall Performance Evaluation and his 2019 Salary Review Increase rating of 3.5. The Tribunal found that the Applicant failed to exhaust internal remedies with respect to this claim because he never submitted a Request for Administrative Review in the first instance, in contravention of Staff Rule 9.06. With respect to the Applicant's 2018 Non-Progression Decision and 2019 Performance Management Decision claims, the Tribunal found that the Applicant did not present exceptional circumstances to excuse the untimeliness and failure to exhaust internal remedies.

Last, with respect to the Applicant's claim challenging the EBC Decision, the Tribunal found that the Applicant failed to satisfy the terms of the Tribunal's conditional grant of an extension, rendering the claim time-barred because the default deadline for filing the EBC appeal then applied. The Tribunal found that the Applicant did not allege any exceptional circumstances to excuse his failure to comply with the Tribunal's conditional grant of an exception.

**Decision:** The Tribunal accepted jurisdiction of the Applicant's claim regarding the 2019 Non-Progression Decision. The Tribunal upheld the Bank's preliminary objection regarding the following claims of the Applicant: (i) the 2018 Non-Progression Decision, (ii) the 2019 Performance Management Decision, and (iii) the EBC Decision.

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](http://www.worldbank.org/tribunal).