

Summary of González Flavell (Nos. 5 and 7) v. IBRD (Merits), Decision No. 616 [2019]

In Application No. 5, the Applicant challenged the decision of the Vice President of Human Resources (HRVP) to accept the Peer Review Services (PRS) recommendation to partially uphold Request for Review No. 393, specifically with regard to the use of her annual leave without her consent while she was on Short Term Disability (STD). In Application No. 7, the Applicant challenged (i) the decision of the HRVP to accept the PRS recommendation to partially uphold Request for Review No. 386 and (ii) the Bank's alleged failure to provide the Applicant with "a full and/or proper explanation" of the mistakes made in the calculation of her education benefits while she was on STD.

With regard to Application No. 5, the Tribunal noted that the PRS Panel concluded that the Bank acted consistently and followed its practice in applying the Applicant's annual leave during the contested period. The Tribunal accepted that the Bank has an established practice of applying staff members' annual leave while they are on Disability Leave in order to increase the percentage of their salary that they receive. Furthermore, the Tribunal observed that the Bank has the ability to retroactively adjust a staff member's annual leave record, if the staff member subsequently objects. The Tribunal also noted that the Bank had compensated the Applicant \$42,746.36 for the use of her annual leave during her STD and found that no further compensation was warranted.

With regard to Application No. 7, the Tribunal found that the Applicant received a reconciliation of the payments that she received for her education benefits during the academic years 2015–2016 and 2016–2017. The Tribunal observed that she received multiple versions of the reconciliation, all of which matched in their amounts. The Tribunal found that there was a five-month delay in providing the Applicant with the reconciliation of the payments, and that this delay was unreasonable. However, the Tribunal concluded that there was no further compensation that was warranted in the circumstances, given that the Bank had already compensated the Applicant for the delay in providing her the reconciliation and that the delay did not cause the Applicant further harm. The Tribunal also decided not to award the Applicant legal fees or costs for either the jurisdictional or merits phase of the proceedings.

Decision: The Applications were dismissed.