

## **Summary of de Vletter v. IBRD (Preliminary Objection), Decision No. 619 [2019]**

The Applicant challenged the termination of his contract “with immediate effect and without prior notice.” The Applicant also alleged that he was placed on a “blacklist” by his former Task Team Leader.

The Bank raised a preliminary objection to the admissibility the Application. According to the Bank, the Applicant’s claims were inadmissible because the Applicant’s claims had not been filed in a timely manner and there were no exceptional circumstances.

The Tribunal found that the Applicant first became aware of the disputed employment matter on 9 March 2018, the date on which he was notified that his contract would be terminated with immediate effect. The Applicant could have filed an application directly with the Tribunal or a request for review with Peer Review Services (PRS) within 120 days of 9 March 2018. The Applicant chose to file a request for review with PRS, but filed his request for review on 15 November 2018, over eight months after the date of the impugned decision. The Tribunal found that PRS correctly dismissed the Applicant’s claim because his request for review was time-barred. This failure to observe the deadline to file a request for review with PRS constituted a failure to exhaust internal remedies.

The Tribunal observed that ignorance of the law did not constitute exceptional circumstances and recalled that “exceptional circumstances” must be “real and serious impediments to exhausting internal remedies” and that “[m]ere inconvenience” is not sufficient. According to the Tribunal, it is ultimately an applicant’s duty to “keep himself apprised of his rights and to submit his appeal in good time” and that ignorance of his rights and the Staff Rules is no excuse for untimeliness. The Tribunal concluded that there were no exceptional circumstances in this case.

Regarding the blacklisting claim, the Tribunal found that the Applicant had not yet exhausted internal remedies. As such, the matter was not properly before the Tribunal.

**Decision:** The Application was dismissed.