

## **CF v. IBRD, Decision No. 486 [2014]**

The Applicant commenced employment with the Bank in February 1998 in the General Services Department (GSD). At the time of the contested decision, he was a Senior Project Manager, Grade Level GG. His primary responsibility was to work with the Bank's Regional Vice Presidencies to secure facilities for the Bank's Country Offices, including the acquisition of real estate and coordination of the design, construction and furnishing of office space.

The Applicant challenged the decision of the Vice President, Human Resources (HRVP) to terminate his employment for misconduct. The HRVP's findings in this case pertained to more than 30 factually distinct allegations involving multiple Bank vendors over a period of ten years (2000–2010).

The Tribunal recalled that, in disciplinary cases, it “examines (i) the existence of the facts, (ii) whether they legally amount to misconduct, (iii) whether the sanction imposed is provided for in the law of the Bank, (iv) whether the sanction is not significantly disproportionate to the offence, and (v) whether the requirements of due process were observed.”

The Tribunal examined all of the factual findings of the HRVP as well as the Applicant's contentions in respect of them. The judgment addressed only the most serious and well-supported of these findings to the extent necessary to determine whether they were established and to reach a decision in respect of the remaining four elements of the Tribunal's scope of review. The Tribunal made no findings in respect of other matters because to do so was not necessary for the disposition of this case.

The Tribunal held that the evidence established that the Applicant steered contracts to certain vendors; improperly arranged the employment of relatives and acquaintances; misused Bank funds for his benefit and the benefit of others, including directing improper payments from vendors on projects that he managed and authorizing fraudulent contracts; and made willful misrepresentations in his 2009 financial disclosure submission.

The Tribunal was satisfied that the facts established constituted misconduct. The Tribunal considered that each of the findings amounted to a breach of Principle 3 of the Principles

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)

of Staff Employment and corresponding Staff Rules. These matters were all the more serious given the Applicant's special responsibility as a staff member involved in procurement activity on behalf of the Bank. It was no defense for him to say that he completed his projects on budget and to the required specification when there appeared to have been sufficient room in the budgets for him and his associates to reap improper benefits.

The Tribunal also concluded that the sanctions imposed by the HRVP in this case were provided for under Staff Rule 8.01, paragraph 3.03. They were not disproportionate to the established acts of misconduct. The Tribunal rejected the Applicant's contentions relating to the inadmissibility of certain evidence and certain alleged breaches of due process.