

## CG v. IBRD, Decision No. 487 [2014]

The Applicant was a Short-Term Consultant who had worked for a long time with the Bank. Following a long investigation by the Integrity Vice Presidency (“INT”), the Vice President, Human Resources (“HRVP”), found that the Applicant had engaged in two instances of misconduct: (i) unauthorized use of Bank Group offices, equipment and computers, specifically by using his Bank Group computer, and Lotus Notes account to conduct personal translation business activities for himself and a friend, a former Bank vendor; and (ii) willful misrepresentations and violation of Bank Group rules, policies and procedures by submitting fraudulent Requests for Payment. The HRVP also found that the initial allegation of misconduct, i.e. abuse of position for personal gain of oneself or another had not been proven. The HRVP decided that the appropriate sanction was, *inter alia*, (i) loss of future employment and contractual opportunities with the Bank Group; and (ii) restriction of access to any of the Bank Group buildings. The Applicant filed an application with the Tribunal challenging: (i) the HRVP’s decision; and (ii) the length of the misconduct investigation and the decision-making process.

The Tribunal found that: (i) the existence of the facts and the non-observance of the relevant provisions with regard to the two instances of misconduct had been proven; (ii) the Applicant’s reluctance to facilitate the investigation and provide relevant evidence to defend the third most serious allegation of misconduct against him, leaving no choice for INT but to draw an inference on that issue, was troublesome; (iii) the sanctions imposed were provided in the Staff Rule; (iv) the sanctions imposed on the Applicant were not disproportionate to his misconduct; (v) the temporary bar on hiring imposed on the Applicant was not in violation of the requirements of due process; (vi) there was a failure on the part of INT to conduct an expeditious investigation but the Applicant had not suffered emotional or reputational harm during the preliminary inquiry; (vii) considering the particularities of the case, taking one year from the issuance of the Notice of Misconduct to the time of the completion of the Final INT Report was not excessive; (viii) there was no proper justification as to why the HRVP took almost one year to make a decision after receiving the Final INT Report and such unjustifiable delay was inconsistent with a staff member’s due process rights. The Tribunal concluded that taking almost one year for the HRVP to issue his decision on the disciplinary measures after receiving the INT Report was excessive and for this reason the Tribunal awarded the Applicant attorneys’ fees and costs in the amount \$8,213.03.