

## CH, Decision No. 489 [2014]

Following an investigation by the Bank's Integrity Vice Presidency, the Vice President, Human Resources (HRVP) concluded that the Applicant had committed misconduct by creating multiple conflicts of interest, by abusing his position, by misusing Bank funds and by knowingly facilitating a fraudulent procurement. He accordingly decided to, among other things, terminate the Applicant's employment. The Applicant challenged the HRVP's decision.

The Tribunal found that the evidence established that Applicant had created multiple conflicts of interest, noting "the record is clear that the Applicant approved Mr. S for appointments as [a Short Term Consultant (STC)] while simultaneously providing no-objection letters for Mr. S's contracts to work as a consultant for the Bank's borrower." The Tribunal concluded that: "The Applicant, who served as [Task Team Leader (TTL)] or team leader on many projects ... should have known that Mr. S's dual employment on the project presented a clear conflict of interest."

The Tribunal also upheld the HRVP's finding that the Applicant abused his position stating: "The record shows that the Applicant approved the three Bank-financed contracts to Mr. S by providing no-objection letters to the contracts even though he knew they were not competitively procured. He admits that he did not want these contracts to appear to be single-sourced. Thus he used phantom bidders to create the appearance of a competitive selection process. This is surely an abuse of his position as TTL." The Tribunal also upheld the HRVP's finding of misuse of Bank funds by the Applicant because in the Tribunal's view "[m]isuse of Bank funds also occurs when Bank-financed contracts are awarded improperly or when such contracts by Bank rules are required to be awarded competitively but in actuality are awarded through a phantom bidding process."

The Tribunal went on to find that the Bank had failed to afford the Applicant due process in two respects. First, the Bank unreasonably delayed giving him notice of the allegations of misconduct. Second, the HRVP without explanation took nine months to make his disciplinary decision. In considering the appropriate remedy for the violation of his due process rights, the Tribunal was mindful that the Applicant had engaged in several acts of misconduct and that he was on paid administrative leave during the investigation. The Tribunal ordered the Bank to pay the Applicant's attorneys' fees in the amount of \$29,619.

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)