

Dooh-Bill v. IBRD, Decision No. 503 [2014] (Preliminary Objection)

The Applicant claimed that the Bank destroyed his personal property and failed to compensate him. The Bank raised a preliminary objection to the admissibility of the Applicant's claims.

The Tribunal upheld the Bank's preliminary objection and dismissed the Application. The Tribunal noted that the record was clear that by an e-mail of 13 November 2012 the Applicant was put on notice that his personal items had been disposed of and were not stored anywhere. There was no doubt that he was aware at this time of the disputed employment matter or the event giving rise to the Application had occurred. The Tribunal further noted that under Staff Rule 9.03 ("Peer Review Services"), paragraph 7.01, the Applicant was required to file a Request for Review with PRS within 120 days. He filed his Request for Review on 22 October 2013, however, almost seven months later than the required date. Having failed to exhaust other remedies within the Bank Group (i.e., the PRS process) within the required period, the Applicant did not meet the requirements of Article II(2)(i) of the Tribunal's Statute.

The Tribunal noted that: "Approaching higher management for reconsideration of a matter does not suspend the limitation period for filing a PRS Request for Review." The Tribunal observed that the Applicant referred to the fact that he had engaged the Ombuds Services Office. Indeed a meeting was held at the Ombuds Services Office on 19 March 2013. However, by then 120 days had already passed since the notice of 13 November 2012. In any event, in the Tribunal's view, nothing in the Bank's rules suggested that the engagement of the Ombuds Services Office automatically suspends the limitation period for filing claims before PRS or the Tribunal. The Tribunal noted that Staff Rule 9.02 ("Ombuds Services Office"), paragraph 6.01, states that: "An Ombudsman may request the Peer Review Secretariat to extend the normal time limit for filing a Request for Review subject to the provisions of Staff Rule 9.03." There was no evidence that the Applicant requested an extension of the time to file a Request for Review with PRS or that he asked the Ombuds Services Office to do so. The Tribunal found no exceptional circumstances to excuse the Applicant's failure to exhaust internal remedies in a timely manner.