

**CUMULATIVE INDEX TO
IMFAT JUDGMENTS AND ORDERS
1994-2006**

ABOLITION OF POSITION (*see also* NOTICE; PROCEDURAL FAIRNESS; REASSIGNMENT)

- ad hoc discrimination review team's conclusion that abolition of position not affected by discrimination was reasonably supported by evidence
 - Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), paras. 70, 72-74, 80.
- decision sustained where no improper motive shown
 - Judgment No. 2005-1 (*Mr. "F"*), paras. 71-79.
- decision sustained where not motivated by religious discrimination
 - Judgment No. 2005-1 (*Mr. "F"*), paras. 80-90.
- decision sustained where restructuring had additional motive of overcoming personnel conflicts in section
 - Judgment No. 2005-1 (*Mr. "F"*), paras. 75-79.
- decision sustained where taken consistently with Fund regulations: position redesigned to meet institutional needs; "material differences" between old and new positions; and Fund reasonably determined that Applicant not qualified to meet new requirements
 - Judgment No. 2005-1 (*Mr. "F"*), paras. 51-70.
- discrimination alleged (dismissed on jurisdictional grounds)
 - Judgment No. 1998-1 (*Ms. "Y"*), para. 8.
- standard of IMFAT's review of
 - Judgment No. 2005-1 (*Mr. "F"*), paras. 48-50.

ABUSE OF DISCRETION (*see also* BURDEN OF PROOF; DISCRETIONARY AUTHORITY; STANDARD OF IMFAT REVIEW)

- exercise of discretion in setting grade and salary not invalidated by procedures used
 - Judgment No. 1996-1 (*Mr. M. D'Aoust*), para. 30.
- in Tribunal's review of decision for abuse of discretion, importance of observance by organization of its rules
 - Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), para. 55.
 - Judgment No. 2005-2 (*Ms. "W"*), note 17.
 - Judgment No. 2005-4 (*Ms. "Z"*), note 19.
- no abuse of discretion in abolition of position
 - Judgment No. 2005-1 (*Mr. "F"*), paras. 47-90.
- no abuse of discretion in basing ad hoc discrimination review exercise on qualitative considerations as well as statistical data
 - Judgment No. 2005-2 (*Ms. "W"*), paras. 18-21.
 - Judgment No. 2005-4 (*Ms. "Z"*), para. 74.
- no abuse of discretion in conditioning reemployment with Fund, following service with

- Executive Board, on agreement to take appointment of limited duration
Judgment No. 2006-1 (*Mr. "O"*), paras. 86-97.
- no abuse of discretion in creating alternative dispute resolution mechanism for complaints of past discrimination or in implementation in Applicant's case
Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), paras. 42-52; 53-74.
- no abuse of discretion in granting eligibility for expatriate benefits on basis of visa status or for refusing to make exception to policy
Judgment No. 2002-3 (*Ms. "G"*), paras. 80, 89-91.
- no abuse of discretion in non-conversion of fixed-term appointment
Judgment No. 1997-1 (*Ms. "C"*), para. 41.
Judgment No. 2006-2 (*Ms. "T"*), para. 53.
Judgment No. 2006-3 (*Ms. "U"*), para. 53.
- no abuse of discretion in refusal to grant exception to policy of allocating differing benefits to different categories of staff posted abroad
Judgment No. 2002-1 (*Mr. "R"*), paras. 60-65.
- no abuse of discretion where procedures for ad hoc discrimination review were rationally related to its purposes
Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), para. 49.
- no abuse of discretion where decision taken as a result of reasoned consideration
Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), para. 48.

ADMINISTRATION COMMITTEE OF STAFF RETIREMENT PLAN (SRP) (*see also* EXHAUSTION OF CHANNELS OF ADMINISTRATIVE REVIEW; PROCEDURAL FAIRNESS; STAFF RETIREMENT PLAN (SRP); STANDARD OF IMFAT'S REVIEW)

Committee's Rules of Procedure

- Judgment No. 2001-2 (*Mr. "P" (No. 2)*), paras. 31-34.
 - Judgment No. 2003-1 (*Ms. "J"*), paras. 50, 98, 161, 164, 166-169 and notes 14, 15, 24.
 - Judgment No. 2003-2 (*Ms. "K"*), paras. 22, 41, 104-106 and notes 7-8, 10.
 - Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 71, 74 and notes 54, 55, 65.
- Committee's Rules under SRP Section 11.3
- Judgment No. 2001-2 (*Mr. "P" (No. 2)*), paras. 36-41, 85-87, 138-155.
 - Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 69, 71, 96, 150, 155, 160-173, 177-224 and notes 3, 49, 65.
- decision of, differentiated from act of managerial discretion
Judgment No. 2003-1 (*Ms. "J"*), paras. 112-128.
Judgment No. 2003-2 (*Ms. "K"*), paras. 45-54.
 - decision of, on disability retirement rescinded by Tribunal
Judgment No. 2003-1 (*Ms. "J"*), para. 179 and Decision.
Judgment No. 2003-2 (*Ms. "K"*), para. 116 and Decision.
 - function of Committee, not of its Medical Advisor, to draw ultimate conclusions as to eligibility for disability retirement
Judgment No. 2003-1 (*Ms. "J"*), para. 175.
Judgment No. 2003-2 (*Ms. "K"*), para. 112.

no bona fide dispute as to validity of child support orders so as to justify failure to give effect pursuant to Committee's Rules under SRP Section 11.3

Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 174-224.

plays dual role within dispute resolution system; takes contested administrative act and supplies channel of review; decision subject to direct review by IMFAT

Judgment No. 2003-1 (*Ms. "J"*), para. 98.

Judgment No. 2003-2 (*Ms. "K"*), para. 41.

procedural irregularity alleged

Judgment No. 2003-1 (*Ms. "J"*), paras. 158-176.

Judgment No. 2003-2 (*Ms. "K"*), paras. 96-113.

rescission of decision under Staff Retirement Plan to escrow disputed portion of pension payment; no bona fide dispute as to efficacy, finality or meaning of divorce

judgment dividing marital property

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), para. 145 and Decision.

Tribunal has benefit of record of proceedings

Judgment No. 2003-1 (*Ms. "J"*), paras. 45, 62-67.

Judgment No. 2003-2 (*Ms. "K"*), paras. 19-20, 34-35.

Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 20, 98-100.

Tribunal's relationship to, distinguished from relationship to Grievance Committee

Judgment No. 2003-1 (*Ms. "J"*), para. 98.

Judgment No. 2003-2 (*Ms. "K"*), para. 41.

Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), note 56.

“ADMINISTRATIVE ACT” (ARTICLE II) (*see* “INDIVIDUAL DECISION”; “REGULATORY DECISION”)

Applicant had knowledge at time of non-conversion of fixed-term appointment that she had been “adversely affected” by “administrative act” of Fund

Judgment No. 2006-5 (*Ms. "AA"*), para. 40.

arithmetical calculation of pension is not “administrative act”

Judgment No. 1994-1 (*Mr. "X"*), paras. 23, 26.

does not encompass acts of Staff Association Committee (SAC), directly or indirectly

Judgment No. 1999-2 (*Mr. "V"*), paras. 110-114.

Grievance Committee's decisions as to admissibility of evidence and production of documents are not “administrative acts” subject to Tribunal's review

Judgment No. 2005-4 (*Ms. "Z"*), para. 119.

Grievance Committee recommendation is not “administrative act”

Judgment No. 1996-1 (*Mr. M. D'Aoust*), para. 17.

identification of challenged “administrative act(s)” and when notice of them arose, for purposes of deciding whether timely initiation of administrative review

Judgment No. 2006-1 (*Mr. "O"*), paras. 51-60.

Judgment No. 2006-5 (*Ms. "AA"*), paras. 39-40.

must be taken in the administration of the staff

Judgment No. 1999-1 (*Mr. "A"*), para. 51.

set in motion series of acts, any one of which Applicant might have challenged

Judgment No. 2006-1 (*Mr. "O"*), para. 56.

Tribunal's jurisdiction limited to review of; authority to resolve underlying dispute must be predicated on finding of error in contested administrative act
Judgment No. 2001-2 (*Mr. "P" (No. 2)*), para. 122.

ADMINISTRATIVE REVIEW (*see also* ADMINISTRATION COMMITTEE OF STAFF RETIREMENT PLAN (SRP); EXHAUSTION OF CHANNELS OF ADMINISTRATIVE REVIEW; GRIEVANCE COMMITTEE)

Applicant not prejudiced by role of external consultant in
Judgment No. 2005-1 (*Mr. "F"*), paras. 39-41.
protecting candor essential to, supports denial of request for production of documents
Judgment No. 2005-1 (*Mr. "F"*), para. 13.

ADMINISTRATIVE TRIBUNALS (*see* INTERNATIONAL ADMINISTRATIVE TRIBUNALS)

ADMISSIBILITY (*see also* "ADVERSELY AFFECTING" REQUIREMENT OF ARTICLE II; EXHAUSTION OF CHANNELS OF ADMINISTRATIVE REVIEW; INTERPRETATION OF JUDGMENTS; JURISDICTION; MOOTNESS SUMMARY DISMISSAL; *RES JUDICATA*)

in circumstances of case, Tribunal will reconsider admissibility of Application if Grievance Committee decides it does not have jurisdiction
Judgment No. 1998-1 (*Ms. "Y"*), para. 43.

"ADVERSELY AFFECTING" REQUIREMENT OF ARTICLE II (*see also* JURISDICTION *RATIONE MATERIAE* OF IMFAT)

Applicant had knowledge at time of non-conversion of fixed-term appointment that she had been "adversely affected" by "administrative act" of Fund
Judgment No. 2006-5 (*Ms. "AA"*), para. 40.

Applications rendered moot where Applicants no longer "adversely affected," as subsequent Executive Board decision superseded earlier decision
Judgment No. 2006-4 (*Baker et al.*) (*Dismissal of the Applications as Moot*), paras. 17-25.

requirement met in Applicants' challenge to widening of Executive Board's discretion in setting staff salaries where no adverse financial consequences in current compensation round
Judgment No. 2005-3 (*Baker et al.*) (*Admissibility of the Applications*), paras. 19-23.

requirement met in case of direct challenge to "regulatory decision"
Judgment No. 2005-3 (*Baker et al.*) (*Admissibility of the Applications*), paras. 16-23.

requirement met where administrative act has "some present effect" on Applicant's position with respect to reemployment following service with Executive Board
Judgment No. 2006-1 (*Mr. "O"*), paras. 55-56.

requirement met where "some present effect" on Applicants' position; need not await realization of adverse decision to seek remedy

Judgment No. 2005-3 (*Baker et al.*) (*Admissibility of the Applications*), paras. 20-21.

requires that applicant have actual stake in the controversy as minimal requirement for justiciability

Judgment No. 2002-3 (*Ms. "G"*), para. 61.

Judgment No. 2005-3 (*Baker et al.*) (*Admissibility of the Applications*), para. 17.

ADVISORY OPINION

IMFAT not authorized to render

Order No. 2005-2 (*Mr. "F"*) (*Interpretation of Judgment No. 2005-1*), para. 16.

AFRICAN DEVELOPMENT BANK ADMINISTRATIVE TRIBUNAL (AFDBAT) STATUTE AND RULES OF PROCEDURE

exceptional circumstances in respect of admissibility of Application

Judgment No. 2001-1 (*Estate of Mr. "D"*), note 25.

Intervention

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), note 17.

jurisdiction

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), note 28.

AGE (*see* DISCRIMINATION; DISCRIMINATION REVIEW EXERCISE (DRE))

AGREEMENT (*see also* SETTLEMENT AND RELEASE AGREEMENTS)

Applicant understood, accepted, and effectively agreed to terms of reemployment for limited duration following service as Advisor to Executive Director

Judgment No. 2006-1 (*Mr. "O"*), paras. 85, 95-97.

ALLOWANCES (*see* BENEFITS; HOUSING ALLOWANCE)

ALTERNATIVE DISPUTE RESOLUTION (*see* DISCRIMINATION REVIEW EXERCISE (DRE))

AMICUS CURIAE

application of Staff Association Committee (SAC), granted

Judgment No. 2003-1 (*Ms. "J"*), paras. 15-20.

contentions of

Judgment No. 2003-1 (*Ms. "J"*), paras. 90-93, 100, 136.

distinguished from Intervenor

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), para. 50.

Judgment No. 2003-1 (*Ms. "J"*), para. 19 and note 7.

procedural steps relating to

Judgment No. 2003-1 (*Ms. "J"*), paras. 16-19.

ANIMUS OR PERSONAL BIAS (*see also* DISCRIMINATION)

ad hoc discrimination review's conclusions not affected by
Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), paras. 75-79.
distinction in benefits untainted by
Judgment No. 2002-1 (*Mr. "R"*), para. 64

ANNUAL PERFORMANCE REPORTS (APRS) (*see also* PERFORMANCE)

irregularities
Judgment No. 1997-1 (*Ms. "C"*), paras. 33-42.
sealing of (and destruction of copies), as term of settlement and release agreement
Judgment No. 1999-2 (*Mr. "V"*), paras. 10, 52-56, 70.

ANONYMITY (*see also* PRIVACY; RULE XXII)

burden rests with party seeking anonymity to show "good cause" for
Judgment No. 2006-5 (*Ms. "AA"*), paras. 12-13.
IMFAT Decision on the protection of privacy and method of publication (1997)
Judgment No. 2002-1 (*Mr. "R"*), note 1.
IMFAT's Revised Decision on the protection of privacy and method of publication
(2006) supersedes 1997 Decision in light of revision to Rules of Procedure
Judgment No. 2006-5 (*Ms. "AA"*), para. 10 and note 7.
of persons in Tribunal's Judgments
Judgment No. 1997-2 (*Ms. "B"*), note 1.
of persons in Tribunal's Judgments shall not prejudice their comprehensibility
Judgment No. 2002-1 (*Mr. "R"*), note 1.
request for, granted where Application summarily dismissed and allegations against
supervisors remain untested
Judgment No. 2006-5 (*Ms. "AA"*), paras. 9-15.

APPELLATE AUTHORITY

of IMFAT affects standard of review for disability retirement decisions
Judgment No. 2003-1 (*Ms. "J"*), paras. 113-117, 124-127.
Judgment No. 2003-2 (*Ms. "K"*), paras. 46-48, 51-53.
of IMFAT in respect of decisions arising under Staff Retirement Plan; significance of to
adjudicate dispute that might otherwise remain unresolved
Judgment No. 2001-2 (*Mr. "P" (No. 2)*), para. 141.

APPLICATION (*see* MOOTNESS; PLEADINGS)

APPOINTMENT (*see also* FIXED-TERM APPOINTMENT)

in circumstances of case, Fund had discretion to condition reemployment with Fund, following service with Executive Board, on agreement to take appointment of limited duration

Judgment No. 2006-1 (*Mr. "O"*), paras. 86-97.

in circumstances of case, within Fund's authority to create "hybrid" appointment of limited duration but carrying certain benefits of regular appointment

Judgment No. 2006-1 (*Mr. "O"*), paras. 86-97.

no abuse of discretion in setting initial grade and salary

Judgment No. 1996-1 (*Mr. M. D'Aoust*), para. 30.

terms and conditions of are open to legal challenge

Judgment No. 1996-1 (*Mr. M. D'Aoust*), para. 12.

Judgment No. 2006-1 (*Mr. "O"*), para. 84.

ARBITRARY AND CAPRICIOUS (*see also* DISCRETIONARY AUTHORITY; STANDARD OF IMFAT'S REVIEW)

decision not arbitrary where Fund studied and rejected possibility of complete parity of benefits between two categories of staff

Judgment No. 2002-1 (*Mr. "R"*), para. 59.

decision to base DRE on qualitative considerations as well as statistical data not arbitrary, capricious or discriminatory

Judgment No. 2005-2 (*Ms. "W"*), para. 21

Judgment No. 2005-4 (*Ms. "Z"*), para. 74.

discrimination review team's conclusions in Applicant's case not arbitrary or capricious but reasonably supported by evidence

Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), paras. 63, 66, 71, 80.

Judgment No. 2005-2 (*Ms. "W"*), para. 102.

Judgment No. 2005-4 (*Ms. "Z"*), para. 112.

least rigorous standard of review applicable to acts of managerial discretion

Judgment No. 2003-1 (*Ms. "J"*), para. 109.

Judgment No. 2003-2 (*Ms. "K"*), para. 44.

reconsideration of expatriate benefits policy by Executive Board not arbitrary but deliberate and rational

Judgment No. 2002-3 (*Ms. "G"*), para. 80.

standard requires that conclusions must be reasonably supported by evidence

Judgment No. 2005-2 (*Ms. "W"*), para. 92.

Judgment No. 2005-4 (*Ms. "Z"*), para. 78.

ARBITRATION

remedy available to contractual employees

Judgment No. 1999-1 (*Mr. "A"*), paras. 18, 47.

ARTICLES OF AGREEMENT OF IMF

Article IX

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), paras. 71, 129.

Article XII, Section 4(d)

Judgment No. 2002-3 (*Ms. "G"*), para. 41 and note 12.

not violated by provision of Staff Retirement Plan

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), para. 131.

primacy of, in internal law of Fund

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), para. 128.

ASIAN DEVELOPMENT BANK ADMINISTRATIVE TRIBUNAL (ASDBAT) JURISPRUDENCE

Alcartado v. Asian Development Bank, AsDBAT Decision No. 41 (1998)

Judgment No. 2001-1 (*Estate of Mr. "D"*), paras. 92, 95.

Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), para. 40.

Judgment No. 2006-1 (*Mr. "O"*), para. 50.

Judgment No. 2006-5 (*Ms. "AA"*), para. 32.

Alexander v. Asian Development Bank, AsDBAT Decision No. 40 (1998)

Judgment No. 2005-4 (*Ms. "Z"*), para. 74.

Amora v. Asian Development Bank, AsDBAT Decision No. 24 (1997)

Judgment No. 1999-1 (*Mr. "A"*), note 17 and paras. 82-85.

Ms. C v. Asian Development Bank, AsDBAT Decision No. 58 (2003)

Judgment No. 2006-5 (*Ms. "AA"*), para. 14.

Chan v. Asian Development Bank, AsDBAT Decision No. 20 (1996)

Judgment No. 1999-2 (*Mr. "V"*), para. 103.

De Armas et al. v. Asian Development Bank, AsDBAT Decision No. 39 (1998)

Judgment No. 2002-1 (*Mr. "R"*), paras. 43-47.

Lindsey v. Asian Development Bank, AsDBAT Decision No. 1 (1992)

Judgment No. 1997-1 (*Ms. "C"*), paras. 36, 42.

Judgment No. 2002-1 (*Mr. "R"*), paras. 33, 47.

Judgment No. 2002-3 (*Ms. "G"*), para. 76.

Judgment No. 2006-2 (*Ms. "T"*), para. 46.

Judgment No. 2006-3 (*Ms. "U"*), para. 47.

Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 128.

Mesch and Siy (No. 3) v. Asian Development Bank, AsDBAT Decision No. 18 (1996)

Judgment No. 2001-1 (*Estate of Mr. "D"*), paras. 104, 107.

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), note 22.

Toivanen v. Asian Development Bank, AsDBAT Decision No. 51 (2000)

Judgment No. 2006-2 (*Ms. "T"*), para. 48.

Judgment No. 2006-3 (*Ms. "U"*), para. 49.

Judgment No. 2006-5 (*Ms. "AA"*), para. 14.

Viswanathan v. Asian Development Bank, AsDBAT Decision No. 12 (1996)

Judgment No. 2002-3 (*Ms. "G"*), para. 88.

ASIAN DEVELOPMENT BANK ADMINISTRATIVE TRIBUNAL (ASDBAT) STATUTE AND RULES OF PROCEDURE

exceptional circumstances in respect of admissibility of Application

Judgment No. 2001-1 (*Estate of Mr. "D"*), para. 99.

Intervention

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), note 17.

jurisdiction

Judgment No. 1999-1 (*Mr. "A"*), note 15.

ATTORNEYS' FEES (*see* COSTS; COSTS TO APPLICANT (ARTICLE XIV); COSTS TO FUND (ARTICLE XV))

AUTHORITY

of officials to codify personnel practice into policy, especially where practice liberalized existing restraints on promotions

Judgment No. 1997-2 (*Ms. "B"*), para. 45.

of Staff Development Division to reject departmental request to promote staff member and to monitor conformity of promotions with Fund rules

Judgment No. 1997-2 (*Ms. "B"*), para. 80.

BAD FAITH

not demonstrated by filing of motion for dismissal of Applications as moot

Judgment No. 2006-4 (*Baker et al.*) (*Dismissal of the Applications as Moot*), paras. 13-15.

of retiree may be taken into account in applying requirements of SRP Section 11.3

Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 155, 194, 207, 215.

BARGAINING POWER

inequality of, and interpretation of agreement

Judgment No. 1996-1 (*Mr. M. D'Aoust*), para. 28.

Judgment No. 1999-2 (*Mr. "V"*), paras. 86-89.

"BENEFICIARY"

under Staff Retirement Plan for purposes of Tribunal's jurisdiction *ratione personæ*

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), paras. 56-65.

BENEFITS (*see* EXPATRIATE BENEFITS; HOUSING ALLOWANCE; JURISDICTION RATIONE PERSONÆ OF IMFAT; MEDICAL BENEFITS PLAN (MBP); SECURITY OF STAFF; STAFF RETIREMENT PLAN (SRP))

no abuse of discretion in allocating expatriate benefits on basis of visa status
(v. nationality) or in refusal to grant exception to policy
Judgment No. 2002-3 (*Ms. "G"*), paras. 80, 89-91.
no abuse of discretion in refusal to grant exception to policy of allocating different
benefits to different categories of staff posted abroad
Judgment No. 2002-1 (*Mr. "R"*), paras. 60-65.

BIAS (*see* ANIMUS OR PERSONAL BIAS; DISCRIMINATION; DISCRIMINATION REVIEW EXERCISE
(DRE); GRIEVANCE COMMITTEE)

BIRTH

discrimination against child on ground of birth out of wedlock inconsistent with
universally accepted principles of human rights
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 133.

BURDEN OF PROOF

Applicant did not meet in alleging abuse of discretion in abolition of position
Judgment No. 2005-1 (*Mr. "F"*), para. 120.
on Applicant in contesting non-conversion of fixed-term appointment (contrasted with
dismissal for unsatisfactory performance)
Judgment No. 2006-2 (*Ms. "T"*), para. 37 and note 11.
Judgment No. 2006-3 (*Ms. "U"*), para. 37 and note 13.
on Applicant to show abuse of discretion in contesting non-conversion of fixed-term
appointment
Judgment No. 1997-1 (*Ms. "C"*), paras. 21, 41.
on Applicant to show abuse of discretion
Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), para. 53.

CAREER MISMANAGEMENT

no "career mismanagement" with respect to non-conversion of fixed-term appointment
Judgment No. 2006-2 (*Ms. "T"*), para. 45.
Judgment No. 2006-3 (*Ms. "U"*), para. 49.

CAREER PROGRESSION/ADVANCEMENT

conclusion sustained that factors other than discrimination affected Applicant's career
progression
Judgment No. 2005-2 (*Ms. "W"*), para. 97.
discrimination review reasonably found that Applicant's career progression not
adversely affected by discrimination

Judgment No. 2005-4 (*Ms. "Z"*), paras. 107-110.
fact of non-advancement is not proof of discrimination
Judgment No. 2005-2 (*Ms. "W"*), paras. 98, 129.
Judgment No. 2005-4 (*Ms. "Z"*), para. 109.

CAREER STREAM (*see* DISCRIMINATION; ECONOMIST STAFF)

CATEGORIES OF EMPLOYMENT (*see also* CONTRACTUAL EMPLOYEES; FIXED-TERM APPOINTMENT; MEMBER OF THE STAFF)

Fund's guidelines and policies
Judgment No. 1999-1 (*Mr. "A"*), paras. 37-43, 98.

CHILD SUPPORT (*see also* DOMESTIC RELATIONS ORDERS; STAFF RETIREMENT PLAN (SRP))

amendment of SRP Section 11.3 places on equal footing children born in and out of wedlock by separating child support from spousal support
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 121.
court-ordered entitlement to, rests with child; policy of recognizing spousal contribution to marital unit does not provide reasonable basis for differential treatment of children born out of wedlock
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 130.
no bona fide dispute as to validity of child support orders so as to justify failure to give effect pursuant to Administration Committee's Rules under SRP Section 11.3
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 174-224.
to be given effect under Staff Retirement Plan, court orders for need not specify that support payments be made from retiree's Fund pension payments
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 134-158.

CLASSIFICATION AND GRADING (*see* GRADING OF POST)

CODE OF CONDUCT OF IMF

and compliance of IMF staff with local laws
Judgment No. 2001-2 (*Mr. "P" (No. 2)*), para. 77.
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 141.
conduct in Applicant's section failed to meet the standards set forth in
Judgment No. 2005-1 (*Mr. "F"*), para. 98.

COMMENTARY ON IMFAT STATUTE (*see* REPORT OF THE EXECUTIVE BOARD)

CONFLICT OF LAWS

and domestic relations law applicable to international civil servants
Judgment No. 2001-2 (*Mr. "P" (No. 2)*), paras. 88-118.

potential conflict of laws resolved by application of “public policy” of forum, i.e.,
internal law of the Fund

Judgment No. 2001-2 (*Mr. “P” (No. 2)*), paras. 146-156.

Judgment No. 2006-6 (*Ms. “M” and Dr. “M”*), paras. 155, 204.

CONFIDENTIALITY (*see also* ANONYMITY; INFORMATION SECURITY; PRIVACY)

did not preclude opening of pleadings to *Amicus Curiae* with Applicant’s consent

Judgment No. 2003-1 (*Ms. “J”*), paras. 16-18.

no violation of any duty of

Judgment No. 1999-2 (*Mr. “V”*), paras. 102-103.

no violation of Fund’s policy on information security

Judgment No. 1999-2 (*Mr. “V”*), paras. 91-98.

of information within the Fund

Judgment No. 1999-2 (*Mr. “V”*), paras. 25, 68-70.

of settlement and release agreement

Judgment No. 1999-2 (*Mr. “V”*), paras. 10, 64, 71.

CONSULTANT (*see* CONTRACTUAL EMPLOYEES)

CONTRACT (*see* APPOINTMENT; SETTLEMENT AND RELEASE AGREEMENT)

CONTRACT OF EMPLOYMENT (*see also* LETTER OF APPOINTMENT)

challenge to terms of

Judgment No. 1996-1 (*Mr. M. D’Aoust*), paras. 11-13.

doubt as to whether meeting of minds

Judgment No. 1996-1 (*Mr. M. D’Aoust*), para. 13.

Fund in possession of information not within knowledge of Applicant; Applicant may
challenge terms

Judgment No. 1996-1 (*Mr. M. D’Aoust*) para. 12.

jurisdiction *ratione personae* of IMFAT predicated on terms of

Judgment No. 1999-1 (*Mr. “A”*), para. 48.

jurisprudence of other administrative tribunals

Judgment No. 1999-1 (*Mr. “A”*), paras. 63-85.

no deliberate misleading of Applicant

Judgment No. 1996-1 (*Mr. M. D’Aoust*), para. 28.

offer and acceptance

Judgment No. 1996-1 (*Mr. M. D’Aoust*), paras. 11-13.

terms of

Judgment No. 1999-1 (*Mr. “A”*), paras. 9-10, 46.

CONTRACTUAL EMPLOYEES

distinguished from staff members (regular and fixed-term)

Judgment No. 1999-1 (*Mr. "A"*), paras. 37-42.
Judgment No. 2006-2 (*Ms. "T"*), note 6.
Judgment No. 2006-3 (*Ms. "U"*), note 6.
intentionally excluded from IMFAT's jurisdiction *ratione personae*
Judgment No. 1999-1 (*Mr. "A"*), para. 47.
jurisprudence of other administrative tribunals
Judgment No. 1999-1 (*Mr. "A"*), paras. 63-85.
pensionable service of former contractual employees
Judgment No. 1995-1 (*Ms. "S"*), paras. 19-20.

CONTRACTUAL OBLIGATIONS

alleged conflict with Fund's internal law
Judgment No. 1999-2 (*Mr. "V"*), paras. 84-85.
inequality of information and bargaining power, and interpretation of agreement
Judgment No. 1996-1 (*Mr. M. D'Aoust*), para. 28.
Judgment No. 1999-2 (*Mr. "V"*), paras. 86-89.

COSTS

Applicant, Respondent and Intervenor each to bear own costs
Judgment No. 2001-2 (*Mr. "P"(No. 2)*), para. 157.

COSTS TO APPLICANT (ARTICLE XIV)

assessment of, in light of limited degree of success on merits
Order No. 1998-1 (*Assessment of compensable costs pursuant to Judgment No. 1997-1*).
assessed as full amount requested
Order No. 2003-1 (*Ms. "J"*) (*Assessment of compensable legal costs pursuant to Judgment No. 2003-1*), para. Third.
Order No. 2003-2 (*Ms. "K"*) (*Assessment of compensable legal costs pursuant to Judgment No. 2003-2*), para. Second.
assessment criteria
Order No. 1997-1 (*Interpretation of Judgment No. 1997-1*).
attorney's statement of costs accepted as valid representation of "costs incurred";
IMFAT will not inquire into fee arrangement
Order No. 2003-1 (*Ms. "J"*) (*Assessment of compensable legal costs pursuant to Judgment No. 2003-1*), para. First.
Order No. 2003-2 (*Ms. "K"*) (*Assessment of compensable legal costs pursuant to Judgment No. 2003-2*), para. First.
awarded to Applicants for successful objection to motion for summary dismissal, in exceptional circumstances of case affecting staff as a whole
Judgment No. 2006-4 (*Baker et al.*) (*Dismissal of the Applications as Moot*), para. 26.

awarded pursuant to Tribunal's remedial authority
Judgment No. 1997-1 (*Ms. "C"*), para. 44 and Decision
Judgment No. 2003-1 (*Ms. "J"*), paras. 181-183.
Judgment No. 2003-2 (*Ms. "K"*), paras. 118-119.
Judgment No. 2005-1 (*Mr. "F"*), paras. 123-124 and Decision.

defined as amount obligated to pay
Order No. 1997-1 (*Interpretation of Judgment No. 1997-1*).

Fund to bear 75 percent of Applicant's legal costs where Applicant not successful on principal claim but record assembled and argued by Applicant's counsel in pursuit of that claim was indispensable to Tribunal's award of substantial relief on other substantial counts
Order No. 2005-1 (*Mr. "F"*) (*Assessment of compensable legal costs pursuant to Judgment No. 2005-1*).

includes representation in proceedings antecedent to Tribunal's review
Order No. 1997-1 (*Interpretation of Judgment No. 1997-1*).
Judgment No. 2005-1 (*Mr. "F"*), para. 124.

no deduction for costs attributable to consultation relating to claim of "intersecting nature" with claim on which Applicant prevailed
Order No. 2003-1 (*Ms. "J"*) (*Assessment of compensable legal costs pursuant to Judgment No. 2003-1*), para. Second.

parties directed to negotiate amount
Judgment No. 1997-1 (*Ms. "C"*), Decision.

proportionality to degree of success on claims, but no relationship to amount of compensation
Order No. 1997-1 (*Interpretation of Judgment No. 1997-1*).
Order No. 1998-1 (*Assessment of compensable legal costs pursuant to Judgment No. 1997-1*).

rationale for, distinguished from costs to Fund
Judgment No. 1999-2 (*Mr. "V"*), paras. 137-138.

statutory provision does not contemplate award of in absence of decision on merits
Judgment No. 2006-4 (*Baker et al.*) (*Dismissal of the Applications as Moot*), para. 26.

to be awarded pursuant to Tribunal's remedial authority; submission invited
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), Decision.

COSTS TO FUND (ARTICLE XV)

no costs to Fund for defending allegedly frivolous claims in Grievance Committee
Judgment No. 1999-2 (*Mr. "V"*), paras. 132-139.

rationale for, distinguished from costs to Applicant
Judgment No. 1999-2 (*Mr. "V"*), paras. 137-138.

“DECISION” (ARTICLE II) (*see also* “ADMINISTRATIVE ACT”; “INDIVIDUAL DECISION”; “REGULATORY DECISION”)

defined

Judgment No. 1995-1 (*Ms. “S”*), para. 17.

Judgment No. 1996-1 (*Mr. M. D’Aoust*), para. 35.

Judgment No. 1999-2 (*Mr. “V”*), note 11 and para. 113.

Grievance Committee is not qualified to take

Judgment No. 1996-1 (*Mr. M. D’Aoust*), para. 17.

“individual” and “regulatory” decisions may be analytically indistinguishable where decision is to deny exception to general policy

Judgment No. 2002-1 (*Mr. “R”*), paras. 25, 61.

Judgment No. 2002-3 (*Ms. “G”*), para. 73.

DE NOVO REVIEW

authority of IMFAT to make both findings of fact and conclusions of law, drawing upon record assembled through review procedures

Judgment No. 2003-1 (*Ms. “J”*), paras. 95-96.

of merits of underlying discrimination claim not appropriate in case arising from ad hoc discrimination review procedure

Judgment No. 2002-2 (*Ms. “Y” (No. 2)*), paras. 34-41.

Judgment No. 2005-2 (*Ms. “W”*), para. 66 and note 23.

Judgment No. 2005-4 (*Ms. “Z”*), para. 49 and note 27.

DISABILITY (*see* DISABILITY RETIREMENT; MEDICAL SEPARATION; WORKERS’ COMPENSATION)

DISABILITY RETIREMENT (*see also* ADMINISTRATION COMMITTEE OF STAFF RETIREMENT PLAN (SRP)); PROCEDURAL FAIRNESS; STAFF RETIREMENT PLAN (SRP); STANDARD OF IMFAT’S REVIEW)

intersecting nature of medical separation, Workers’ Compensation and disability retirement claims

Judgment No. 2003-1 (*Ms. “J”*), paras. 27, 30, 38, 70, 146-147, 151.

“likely to be permanent” and reassessment provision of SRP

Judgment No. 2003-1 (*Ms. “J”*), para. 157.

Judgment No. 2003-2 (*Ms. “K”*), para. 93.

“likely to be permanent” in sense that Applicant will remain unable to be appointed to a position with the Fund

Judgment No. 2003-1 (*Ms. “J”*), paras. 149-157.

procedural irregularity alleged

Judgment No. 2003-1 (*Ms. “J”*), paras. 158-176.

Judgment No. 2003-2 (*Ms. “K”*), paras. 96-113.

“reasonable” duties must be compatible with staff member’s experience and organization’s needs; current vacancy not required

Judgment No. 2003-1 (*Ms. "J"*), paras. 135-138, 148.
rescission of denial of request for; staff assistant "totally incapacitated" where
intermittently disabling psychiatric illness had pervasive effect on ability to maintain
position

Judgment No. 2003-2 (*Ms. "K"*), paras. 57-78, 116.
rescission of denial of request for; verbatim reporter "totally incapacitated" where
repetitive use injury prevented her from performing specialized function and no
reasonable prospect of being asked to perform positions identified by the Fund

Judgment No. 2003-1 (*Ms. "J"*), paras. 129-157, 179.
separation for medical disability cannot determine entitlement to, but factual
circumstances surrounding separation may be considered in reviewing soundness
of disability retirement decision

Judgment No. 2003-1 (*Ms. "J"*), paras. 146-147, 151.

Judgment No. 2003-2 (*Ms. "K"*), paras. 63-64.

SRP provisions governing

Judgment No. 2003-1 (*Ms. "J"*), para. 22.

Judgment No. 2003-2 (*Ms. "K"*), paras. 9-10.

standard for IMFAT's review of decision

Judgment No. 2003-1 (*Ms. "J"*), para. 128.

Judgment No. 2003-2 (*Ms. "K"*), para. 54.

weight to be given to physicians' reports; inconsistencies

Judgment No. 2003-2 (*Ms. "K"*), paras. 65-78.

DISCIPLINARY DECISIONS

heightened scrutiny of, by international administrative tribunals

Judgment No. 2003-1 (*Ms. "J"*), paras. 121-123.

Judgment No. 2003-2 (*Ms. "K"*), para. 50.

"DISCOVERY RULE" (*see also* EXHAUSTION OF CHANNELS OF ADMINISTRATIVE REVIEW)

facts did not support Applicant's contention that "discovery rule" excused failure to
initiate timely administrative review

Judgment No. 2006-5 (*Ms. "AA"*), para. 38.

DISCRETIONARY AUTHORITY (*see also* ABUSE OF DISCRETION; BURDEN OF PROOF; STANDARD OF
IMFAT'S REVIEW)

classification of document as "strictly confidential"

Judgment No. 1999-2 (*Mr. "V"*), para. 96.

classification and grading of post; jurisprudence

Judgment No. 1996-1 (*Mr. M. D'Aoust*), paras. 23, 26.

decision to undertake ad hoc discrimination review and implementation in Applicant's
case did not represent abuse of discretionary authority

Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), paras. 52, 80.

deference by Tribunal to exercise of managerial discretion, especially in areas of managerial expertise
 Judgment No. 2002-1 (*Mr. "R"*), paras. 33-34.

extent of, in conversion of fixed-term appointment (distinguished from separation of staff member for unsatisfactory performance)
 Judgment No. 2006-2 (*Ms. "T"*), paras. 37, 53.
 Judgment No. 2006-3 (*Ms. "U"*), paras. 37, 53.

greater degree of Tribunal's scrutiny over where contested decision allegedly violated universally recognized human right
 Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 117.

in circumstances of case, to create "hybrid" appointment of limited duration but carrying certain benefits of regular employment
 Judgment No. 2006-1 (*Mr. "O"*), paras. 86-97.

lawful exercise of with respect to individual decisions, where not arbitrary or capricious but reasonably supported by evidence
 Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), para. 63.

legitimacy of exercise of not vitiated by additional motive
 Judgment No. 2005-1 (*Mr. "F"*), paras. 78-79.

"marital relationship" requirement of SRP Section 11.3 not reasonable exercise of, in its disparate effect on children born out of wedlock
 Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 129-130.

non-conversion of fixed-term appointment
 Judgment No. 1997-1 (*Ms. "C"*), para. 41.

nondiscrimination and universally accepted principles of human rights impose constraint on exercise of
 Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 125-127.

nondiscrimination principle imposes substantive limit on exercise of discretionary authority in both policy-making and administrative functions of international organization
 Judgment No. 2002-1 (*Mr. "R"*), paras. 30-32.
 Judgment No. 2002-3 (*Ms. "G"*), para. 76.

to condition reemployment with Fund, following service with Executive Board, on agreement to take appointment of limited duration
 Judgment No. 2006-1 (*Mr. "O"*), paras. 86-97.

to decide not to make exception in Applicant's case to generally applicable policy
 Judgment No. 2002-1 (*Mr. "R"*), para. 65.
 Judgment No. 2002-3 (*Ms. "G"*), para. 91.

transfer of staff member
 Judgment No. 1997-1 (*Ms. "C"*), paras. 30-31.

DISCRIMINATION (*see also* DISCRIMINATION REVIEW EXERCISE (DRE); EQUAL TREATMENT; HARASSMENT; HOSTILE WORK ENVIRONMENT; HUMAN RIGHTS)

abolition of position not motivated by religious discrimination
 Judgment No. 2005-1 (*Mr. "F"*), paras. 80-90.

admissibility of allegations of, where challenge to separation from service not time-barred and separation challenged, in part, as culminating act of discrimination
Judgment No. 2006-1 (*Mr. "O"*), paras. 72-75.

age, gender, career stream; alleged through alternative dispute resolution mechanism
Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), para. 20.

allegation of "continuing" discrimination inadmissible where failure to exhaust channels of administrative review
Judgment No. 2005-2 (*Ms. "W"*), paras. 120-121.
Judgment No. 2005-4 (*Ms. "Z"*), paras. 15-16.

Applicant's Fund career, nor its termination, not shown to be affected by racial discrimination
Judgment No. 2006-1 (*Mr. "O"*), paras. 97-100.

child born out of wedlock entitled to human right of being free from impermissible discrimination
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 130.

differing treatment of overseas Office Director and Resident Representative in respect of housing and overseas assignment allowances does not violate principle of nondiscrimination
Judgment No. 2002-1 (*Mr. "R"*), para. 64.

discriminatory effect of former version of SRP Section 11.3 followed from treating child support orders as incidental to dissolution of marriage
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 130.

Fund's Discrimination Policy and related directives
Judgment No. 2005-1 (*Mr. "F"*), paras. 84, 90, 93, 96 and note 16.
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 126.

Fund's written law sets forth principle of nondiscrimination within context of employment relationship
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 126-127.

gender, age, profession, alleged (dismissed on jurisdictional grounds)
Judgment No. 1998-1 (*Ms. "Y"*), para. 8.

gender, alleged (dismissed on jurisdictional grounds)
Judgment No. 1995-1 (*Ms. "S"*), para. 10.

gender discrimination alleged through alternative dispute resolution mechanism
Judgment No. 2005-2 (*Ms. "W"*), para. 46.

gender, ethnicity/national origin, age discrimination alleged through alternative dispute resolution mechanism
Judgment No. 2005-4 (*Ms. "Z"*), para. 79.

general principle of equality of treatment distinguished from nondiscrimination implicating universal principles of human rights
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 124.

in failing to make adequate provision for children born out of wedlock, former SRP Section 11.3 incompatible with international standards of nondiscrimination
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 132-133.

no discrimination where "rational nexus" between purposes of the employment benefits and classification scheme for their allocation

Judgment No. 2002-1 (*Mr. "R"*), para. 64.
 Judgment No. 2002-3 (*Ms. "G"*), paras. 79-80.
 no illegality in applying differing methodologies for setting salary of economist and non-economist staff
 Judgment No. 1996-1 (*Mr. M. D'Aoust*), para. 29.
 non-advancement in career is not of itself proof of
 Judgment No. 2005-2 (*Ms. "W"*), paras. 98, 129.
 Judgment No. 2005-4 (*Ms. "Z"*), para. 109.
 Judgment No. 2006-1 (*Mr. "O"*), para. 100.
 non-conversion of fixed-term appointment not shown to have been affected by discrimination on basis of race or nationality
 Judgment No. 2006-2 (*Ms. "T"*), paras. 49-50.
 Judgment No. 2006-3 (*Ms. "U"*), para. 50.
 non-discrimination principle imposes substantive limit on exercise of discretionary authority in both policy-making and administrative functions of international organization
 Judgment No. 2002-1 (*Mr. "R"*), paras. 30-32.
 Judgment No. 2002-3 (*Ms. "G"*), para. 76.
 policy of determining eligibility for expatriate benefits on basis of visa status does not discriminate impermissibly among categories of staff
 Judgment No. 2002-3 (*Ms. "G"*), paras. 81-86.
 relationship to harassment under Fund's internal law
 Judgment No. 2005-1 (*Mr. "F"*), paras. 91, 93, 95.
 religious discrimination and workplace harassment; compensation awarded for Fund's failure to take effective measures in response to
 Judgment No. 2005-1 (*Mr. "F"*), paras. 98-101, 121-122 and Decision.
 religious discrimination prohibited by Fund's internal law, as well as by universally accepted principles of human rights; distinguished from less serious forms of differential treatment of categories of staff
 Judgment No. 2005-1 (*Mr. "F"*), paras. 81-84.
 statistics alone do not prove
 Judgment No. 2006-2 (*Ms. "T"*), para. 50 and note 14.
 Judgment No. 2006-3 (*Ms. "U"*), para. 50 and note 17.
 theories of
 Judgment No. 2002-1 (*Mr. "R"*), paras. 36-46.
 Judgment No. 2002-3 (*Ms. "G"*), para. 76.

DISCRIMINATION REVIEW EXERCISE (DRE)

claims denied that Fund failed to implement remedy accorded Applicant through DRE and improperly used DRE report
 Judgment No. 2005-2 (*Ms. "W"*), paras. 122-130.
 conclusion of non-discrimination sustained as not arbitrary or capricious where Applicant awarded relief for "unfair or uneven treatment" and DRE not designed to determine "discrimination" to a legal standard

Judgment No. 2005-2 (*Ms. "W"*), para. 102.
conclusion sustained that factors other than discrimination affected Applicant's career progression
Judgment No. 2005-2 (*Ms. "W"*), para. 97.
conclusion that Applicant's career not adversely affected by discrimination sustained as reasonably supported by the evidence
Judgment No. 2005-4 (*Ms. "Z"*), paras. 79-112.
history, outcomes, and Fund's policies governing
Judgment No. 2005-2 (*Ms. "W"*), paras. 33-45.
Judgment No. 2005-4 (*Ms. "Z"*), paras. 19-30.
methodology of applying "rebuttable presumption" of discrimination in Applicant's case was within leeway permitted by DRE procedures
Judgment No. 2005-2 (*Ms. "W"*), paras. 85-88.
methodology of investigating specific incidents brought to review team's attention by Applicant sustained as consistent with DRE procedures
Judgment No. 2005-4 (*Ms. "Z"*), paras. 68-76.
no abuse of discretion in application of DRE to Applicant's case where procedures were consistent with those set forth for DRE and applied by other review teams
Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), para. 62.
no abuse of discretion in basing DRE on qualitative considerations as well as statistical data
Judgment No. 2005-2 (*Ms. "W"*), paras. 18-21.
Judgment No. 2005-4 (*Ms. "Z"*), para. 74.
no abuse of discretion in Fund's reasoned decision to undertake alternative dispute resolution mechanism to facilitate resolution of longstanding complaints
Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), paras. 42-52.
procedural challenges denied where procedures applied in Applicants' cases were consistent with those set forth for DRE and fair resolution of complaint
Judgment No. 2005-2 (*Ms. "W"*), paras. 70-90.
Judgment No. 2005-4 (*Ms. "Z"*), paras. 53-76.
recourse available only to then current staff members
Judgment No. 2006-1 (*Mr. "O"*), note 22.
relationship to Grievance Committee
Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), paras. 26-30.
remedies accorded Applicants pursuant to DRE sustained as reasonably based
Judgment No. 2005-2 (*Ms. "W"*), paras. 103-113.
Judgment No. 2005-4 (*Ms. "Z"*), paras. 113-116.
review not affected by bias against Applicant
Judgment No. 2005-2 (*Ms. "W"*), paras. 83-84.
scope of IMFAT's review of claims initially raised under
Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), paras. 34-41.
Judgment No. 2005-1 (*Mr. "F"*), note 12.
Judgment No. 2005-2 (*Ms. "W"*), paras. 64-65, 102 and note 23.
Judgment No. 2005-4 (*Ms. "Z"*), paras. 47-48, 112 and note 27.
statistics on DRE outcomes not probative of discrimination in DRE process or in

Applicant's case

Judgment No. 2005-2 (*Ms. "W"*), paras. 28, 112.

Judgment No. 2005-4 (*Ms. "Z"*), para. 115.

DOCUMENTS AND INFORMATION (*see* PRODUCTION OF DOCUMENTS AND INFORMATION)

DOMESTIC RELATIONS ORDERS (*see also* CHILD SUPPORT; STAFF RETIREMENT PLAN (SRP))

and withholding of pension payments

Order No. 1999-2 (*Mr. "P"*) (*Mootness of Application*).

potential conflict of laws resolved by application of "public policy" of the forum, i.e., internal law of the Fund

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), paras. 146-156.

provisions for giving effect to, under Staff Retirement Plan; evolution of Fund's internal law

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), paras. 69-87.

Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 57, 87, 118-122, 136-148 and note 43.

rescission of decision under Staff Retirement Plan to escrow disputed portion of pension payment; no bona fide dispute as to efficacy, finality or meaning of divorce

judgment dividing marital property

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), para. 145 and Decision.

to be given effect under Staff Retirement Plan, need not specify that support payments be made from retiree's Fund pension payments

Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 134-158.

Tribunal gives effect to, pursuant to provision of Staff Retirement Plan

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), para. 156 and Decision.

DUE PROCESS (*see also* ADMINISTRATION COMMITTEE OF STAFF RETIREMENT PLAN (SRP); GRIEVANCE COMMITTEE ; NOTICE; PROCEDURAL FAIRNESS; PROCEDURAL IRREGULARITY)

confrontation by accusers and opportunity for rebuttal

Judgment No. 1997-1 (*Ms. "C"*), paras. 41-42.

in disability retirement cases; includes reasonable notice and opportunity for rebuttal

Judgment No. 2003-1 (*Ms. "J"*), paras. 158-176.

Judgment No. 2003-2 (*Ms. "K"*), paras. 96-113.

includes explanation of extension (rather than non-conversion) of fixed-term appointment and steps to be taken to improve performance

Judgment No. 1997-1 (*Ms. "C"*), para. 41.

in performance evaluation process

Judgment No. 1997-1 (*Ms. "C"*), paras. 36-43.

notice as a requirement of

Judgment No. 1996-1 (*Mr. M. D'Aoust*), para. 37.

Judgment No. 1997-1 (*Ms. "C"*), para. 37.

significance of as general principle of international administrative law; authority of

IMFAT to review procedural fairness of decisions contested therein
Judgment No. 2003-1 (*Ms. "J"*), paras. 159-160.
Judgment No. 2003-2 (*Ms. "K"*), paras. 97-98.
significance of (in underlying proceedings) for giving effect to domestic relations orders
under Staff Retirement Plan
Judgment No. 2001-2 (*Mr. "P" (No. 2)*), paras. 143-156.
violation gives rise to compensable claim
Judgment No. 1997-1 (*Ms. "C"*), paras. 41-44.

ECONOMIST STAFF

distinguished from other career streams in Fund's decisionmaking
Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), para. 70.
methodology for setting salary does not give rise to cause of action on ground of
inequality of treatment
Judgment No. 1996-1 (*Mr. M. D'Aoust*), para. 29.

EFFECTIVE DATE

and challenge to "regulatory decision"
Judgment No. 1996-1 (*Mr. M. D'Aoust*), para. 37.
of personnel policy
Judgment No. 1997-2 (*Ms. "B"*), paras. 52, 56.
of "regulatory decision" not significant where challenge is to "individual decision"
based thereon
Judgment No. 1997-2 (*Ms. "B"*), paras. 57-59.

EQUAL TREATMENT (*see also* DISCRIMINATION)

differing treatment of residential security costs incurred directly (v. indirectly) by
overseas staff member is inconsistent with principle of equal treatment
Judgment No. 2004-1 (*Mr. "R" (No. 2)*), paras. 51-52.
of staff in fundamental right to enjoy physical security
Judgment No. 2004-1 (*Mr. "R" (No. 2)*), para. 52.

"EQUITABLE TOLLING"

doctrine does not apply to excuse Applicant's failure to initiate timely administrative
review
Judgment No. 2006-5 (*Ms. "AA"*), para. 41.

EVIDENCE BEFORE TRIBUNAL

includes record generated by Grievance Committee

Judgment No. 1996-1 (*Mr. M. D'Aoust*), para. 17.
Judgment No. 1999-2 (*Mr. "V"*), note 5.
Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), para. 11.
Judgment No. 2005-2 (*Ms. "W"*), para. 7.
Judgment No. 2005-4 (*Ms. "Z"*), paras. 7, 121.
Judgment No. 2006-2 (*Ms. "T"*), para. 5.
Judgment No. 2006-3 (*Ms. "U"*), para. 5.
includes record of proceedings of Administration Committee of Staff Retirement Plan
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 20, 98.
Judgment No. 2003-1 (*Ms. "J"*), paras. 45, 62-67.
Judgment No. 2003-2 (*Ms. "K"*), paras. 19-20, 34-35.
Tribunal draws upon record assembled through review procedures
Judgment No. 2003-1 (*Ms. "J"*), para. 96.

EXCEPTIONAL CIRCUMSTANCES (*see also* COSTS TO APPLICANT (ARTICLE XIV); EXHAUSTION OF CHANNELS OF ADMINISTRATIVE REVIEW; STATUTE OF LIMITATIONS)

did not justify exception to benefits policy allocating differing benefits to different categories of staff serving abroad
Judgment No. 2002-1 (*Mr. "R"*), para. 65.
excused delay in initiating administrative review procedures; Application admissible
Judgment No. 2001-1 (*Estate of Mr. "D"*), paras. 98-128.
IMFAT's authority to consider presence and impact of at anterior stages of review process in deciding admissibility under Article V
Judgment No. 2001-1 (*Estate of Mr. "D"*), para. 102.
implied "exceptional circumstances" exception to Article V analogous to express exception of Article VI
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 106.
in respect of admissibility of Application; compared with other international administrative tribunals
Judgment No. 2001-1 (*Estate of Mr. "D"*), paras. 98-100.
justified waiver of statute of limitations where uncertainty by Fund and Applicants as to Tribunal's jurisdiction *ratione personae* in circumstances of case
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 110-111.
should not be easily found in light of importance of adherence to time limits in legal processes
Judgment No. 2006-1 (*Mr. "O"*), para. 50.
Judgment No. 2006-5 (*Ms. "AA"*), para. 32.
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 106.
should not be easily found in view of importance of exhaustion requirement; Tribunal will consider extent of delay, nature of excuse, and purpose of requirement
Judgment No. 2001-1 (*Estate of Mr. "D"*), paras. 104, 106, 108.

EXCEPTION TO POLICY

decision not to make exception in Applicant's case was reasonable and within managerial discretion

Judgment No. 2002-1 (*Mr. "R"*), para. 65.

without express authority to make exception, managerial discretion does not extend to making exceptions to policy which would run counter to its essential objectives

Judgment No. 2002-3 (*Ms. "G"*), para. 91.

EXECUTIVE BOARD OF IMF

challenge to decision of, admissible where Applicants "adversely affected"

Judgment No. 2005-3 (*Baker et al.*) (*Admissibility of the Applications*), paras. 19-23.

challenge to earlier decision of, rendered moot by subsequent decision

Judgment No. 2006-4 (*Baker et al.*) (*Dismissal of the Applications as Moot*), paras. 17-25.

decision of, sustained: eligibility criterion for expatriate benefits

Judgment No. 2002-3 (*Ms. "G"*), para. 80.

no abuse of discretion in conditioning reemployment with Fund, following service as Advisor to Executive Director, on agreement to take appointment of limited duration

Judgment No. 2006-1 (*Mr. "O"*), paras. 86-97.

no assured right of reemployment following resignation from Fund staff to serve as Advisor to Executive Director

Judgment No. 2006-1 (*Mr. "O"*), para. 91.

Tribunal's deference at height in reviewing decisions of

Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 116.

EXHAUSTION OF CHANNELS OF ADMINISTRATIVE REVIEW (*see also* ADMINISTRATION COMMITTEE OF STAFF RETIREMENT PLAN (SRP); GRIEVANCE COMMITTEE)

allegation of "continuing" discrimination inadmissible where failure to exhaust channels of administrative review

Judgment No. 2005-2 (*Ms. "W"*), paras. 120-121.

Judgment No. 2005-4 (*Ms. "Z"*), paras. 15-16.

Applicant had knowledge at time of non-conversion of her appointment that she had been "adversely affected" by "administrative act" of Fund

Judgment No. 2006-5 (*Ms. "AA"*), para. 40.

as general rule, lack of individual notification of review procedures does not excuse failure to comply

Judgment No. 2006-5 (*Ms. "AA"*), para. 41 and note 12.

Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 107.

contention raised in additional pleading inadmissible where not closely linked to contested decision nor given measure of review by Grievance Committee

Judgment No. 2005-4 (*Ms. "Z"*), paras. 14, 114.

decision of Grievance Committee Chairman denying jurisdiction over grievance is relevant to but not dispositive of IMFAT's decision as to whether exhaustion requirement of Article V has been met
Judgment No. 2001-1 (*Estate of Mr. "D"*), paras. 85-91.

decision under ad hoc discrimination review exercise cannot be reviewed by Tribunal as if claims pursued on timely basis through GAO No. 31
Judgment No. 2005-2 (*Ms. "W"*), paras. 64-65, 102 and note 23.
Judgment No. 2005-4 (*Ms. "Z"*), paras. 47-48, 112 and note 27.

delay in initiating administrative review not excused by Resident Representative assignment
Judgment No. 2006-1 (*Mr. "O"*), paras. 68-70.

determination of when notice of administrative act(s) "adversely affecting" Applicant arose for purposes of timely initiation of administrative review
Judgment No. 2006-1 (*Mr. "O"*), paras. 47-60.
Judgment No. 2006-5 (*Ms. "AA"*), paras. 39-40.

doctrine of "equitable tolling" does not apply to excuse Applicant's failure to initiate timely administrative review
Judgment No. 2006-5 (*Ms. "AA"*), para. 41.

exceptional circumstances not established to excuse substantial delay in initiating request for review; Application summarily dismissed
Judgment No. 2006-5 (*Ms. "AA"*), para. 42.

exceptional circumstances excused delay in initiating administrative review process pursuant to GAO No. 31
Judgment No. 2001-1 (*Estate of Mr. "D"*), paras. 98-128.

facts known by Applicant within prescribed period for initiating administrative review were sufficient to make out claim of harassment
Judgment No. 2006-5 (*Ms. "AA"*), paras. 39-40.

importance of and rationale for requirement
Judgment No. 2005-2 (*Ms. "W"*), para. 116.
Judgment No. 2005-4 (*Ms. "Z"*), note 8.

in deciding questions of admissibility, Tribunal has taken account of effect of Fund's communications to Applicants in assessing actions in seeking further review
Judgment No. 2006-1 (*Mr. "O"*), para. 66.
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 107.

memoranda establishing ad hoc discrimination review lacked clarity as to whether it satisfied exhaustion requirements; Tribunal will reconsider admissibility of Application if Grievance Committee decides it does not have jurisdiction
Judgment No. 1998-1 (*Ms. "Y"*), paras. 42-43.

no channels of administrative review to exhaust where direct challenge to "regulatory decision;" rationale for
Judgment No. 2005-3 (*Baker et al.*) (*Admissibility of the Applications*), paras. 13, 22.

not required of Intervenor
Judgment No. 2001-2 (*Mr. "P" (No. 2)*), note 15.

notice of administrative review procedures was incumbent on Fund in communicating

with non-staff member applicants
 Judgment No. 2001-1 (*Estate of Mr. "D"*), para. 128.
 Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 107, 111.

procedures applicable to decision arising under Staff Retirement Plan
 Judgment No. 2001-2 (*Mr. "P" (No. 2)*), paras. 31-43.
 Judgment No. 2003-1 (*Ms. "J"*), para. 50.
 Judgment No. 2003-2 (*Ms. "K"*), para. 22.
 Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 74-80.

rationale for and importance of requirement in assessing factors that may excuse failure to initiate timely review
 Judgment No. 2006-1 (*Mr. "O"*), paras. 49-50, 67.
 Judgment No. 2006-5 (*Ms. "AA"*), paras. 32, 42.
 Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 97-98.

rationale for requirement
 Judgment No. 1998-1 (*Ms. "Y"*), paras. 26, 32, 42.

rationale for requirement: to provide opportunities to resolve dispute and to create record in the event of litigation
 Judgment No. 2001-1 (*Estate of Mr. "D"*), paras. 66-68.

requirement met where additional claim "closely linked" with contested decision and had been given some measure of review in context of procedure intended to give finality to longstanding claims
 Judgment No. 2005-2 (*Ms. "W"*), paras. 118-119.

requirement met where availability of internal recourse procedures appeared uncertain both to Fund and Applicants
 Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 111.

requirement met where management exceptionally elected to respond to Applicant's complaint to Managing Director and response met functional requirements of administrative review
 Judgment No. 2006-1 (*Mr. "O"*), paras. 65-67.

requirement met where non-staff beneficiaries under SRP Section 11.3 could not be expected to know recourse procedures of Fund and did not demonstrate casual disregard of legal requirements
 Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 111.

requirement met where underlying purposes fulfilled; while SRP Administration Committee summarily denied initial requests, Tribunal had benefit of documentation of Committee's later proceedings, including submissions of retiree on SRP Section 11.3 request
 Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 94-100.

requirement not met where Applicant took no steps to review contested decision and lacks material interest in challenging
 Judgment No. 2003-1 (*Ms. "J"*), paras. 87-89.

requirement not met where Applicant's contention unsupported that she had not acquired knowledge of elements of her claim until after time limit for initiating administrative review
 Judgment No. 2006-5 (*Ms. "AA"*), paras. 34-42.

staff members ordinarily held to knowledge of review procedures and highly desirable that such procedures exclusively be followed

Judgment No. 2006-1 (*Mr. "O"*), para. 65.

successor in interest to non-staff member enrollee in Fund benefit plan required to exhaust procedures pursuant to GAO No. 31; exceptional circumstances excused delay

Judgment No. 2001-1 (*Estate of Mr. "D"*), paras. 79-84, 98-128.

summary dismissal granted where failure to exhaust

Judgment No. 1998-1 (*Ms. "Y"*), para. 43.

that "discovery rule" may be applied to establish "exceptional circumstances" is a possibility that should not be excluded, but facts do not support such a finding in Applicant's case

Judgment No. 2006-5 (*Ms. "AA"*), para. 38.

that medical separation claim may be procedurally intertwined with disability retirement claim does not excuse failure to exhaust

Judgment No. 2003-1 (*Ms. "J"*), paras. 75-89.

Tribunal may consider "exceptional circumstances" at anterior stages of dispute resolution process in deciding whether Applicant has met requirement of Article V

Judgment No. 2006-1 (*Mr. "O"*), para. 49.

Judgment No. 2006-5 (*Ms. "AA"*), para. 31

value of timely administrative review to reliability of later adjudication by IMFAT

Judgment No. 2001-1 (*Estate of Mr. "D"*), paras. 67, 95-97.

Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), para. 40.

where grievance dismissed for lack of jurisdiction

Judgment No. 2001-1 (*Estate of Mr. "D"*), paras. 85-97 and note 18.

Judgment No. 2002-1 (*Mr. "R"*), paras. 16-17.

Judgment No. 2002-3 (*Ms. "G"*), paras. 19-20.

while room to question whether any administrative review was offered by SRP

Administration Committee or exhausted by Applicants, in circumstances of case, responsibility not to be borne by Applicants

Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 95.

EXPATRIATE BENEFITS

history of Fund's policy; benefits included; eligibility criteria

Judgment No. 2002-3 (*Ms. "G"*), paras. 14-55.

no abuse of discretion in Executive Board's decision to select visa status (v. nationality) as eligibility criterion for

Judgment No. 2002-3 (*Ms. "G"*), para. 80.

no error in decision not to make exception to policy

Judgment No. 2002-3 (*Ms. "G"*), para. 90.

policy does not discriminate impermissibly among categories of Fund staff

Judgment No. 2002-3 (*Ms. "G"*), paras. 81-86.

"rational nexus" between goals of policy and method for allocating benefits

Judgment No. 2002-3 (*Ms. "G"*), para. 79.

rationale for providing

Judgment No. 2002-3 (*Ms. "G"*), para. 79.

EXTENSION OF TIME (*see* PLEADINGS)

EXTERNAL PANEL ON REVIEW OF THE FUND'S DISPUTE RESOLUTION SYSTEM

Report of

Judgment No. 2003-1 (*Ms. "J"*), notes 21, 26.

FINALITY OF JUDGMENTS (*see also RES JUDICATA*)

Article XIII applies principle of *res judicata* to IMFAT Judgments

Judgment No. 2004-1 (*Mr. "R" (No. 2)*), para. 25.

authority of IMFAT to render Interpretation of Judgment is narrowly drawn exception to principle of

Order No. 2005-2 (*Mr. "F"*) (*Interpretation of Judgment No. 2005-1*), para. 6.
claim not debarred on the ground of, where new Application has different purpose and foundation in law, which has not been addressed by Tribunal's Judgment on Applicant's earlier claim

Judgment No. 2004-1 (*Mr. "R" (No. 2)*), paras. 24-44.

request for Interpretation of Judgment may be rejected when infringes on

Order No. 2005-2 (*Mr. "F"*) (*Interpretation of Judgment No. 2005-1*), paras. 7-9.

FIXED-TERM APPOINTMENT

burden of proof on Applicant contesting non-conversion of

Judgment No. 1997-1 (*Ms. "C"*), para. 21.

Judgment No. 2006-2 (*Ms. "T"*), para. 37.

Judgment No. 2006-3 (*Ms. "U"*), para. 37.

challenge to non-conversion of, summarily dismissed for failure to exhaust channels of administrative review

Judgment No. 2006-5 (*Ms. "AA"*), para. 42.

contention denied that Fund failed to take account of or fairly weigh relevant evidence in taking non-conversion decision

Judgment No. 2006-2 (*Ms. "T"*), paras. 46-48.

Judgment No. 2006-3 (*Ms. "U"*), paras. 46-49.

extension (non-conversion) of, alleged irregularity in

Judgment No. 1997-1 (*Ms. "C"*), paras. 9-10, 29-32

extension (non-conversion) of, for further testing of appointee

Judgment No. 2006-2 (*Ms. "T"*), paras. 35, 37, 41-43, 45, 51-52.

Judgment No. 2006-3 (*Ms. "U"*), paras. 35, 37, 41-42, 45, 51.

Fund's Guidelines for Fixed-Term Appointments

Judgment No. 1997-1 (*Ms. "C"*), para. 35.

- Judgment No. 1999-1 (*Mr. "A"*), note 11.
- Judgment No. 2006-2 (*Ms. "T"*), paras. 32-35, 41-42 and notes 9, 10.
- Judgment No. 2006-3 (*Ms. "U"*), paras. 32-35, 42, 44 and notes 11, 12, 15.
- no entitlement to continuation beyond term of
 - Judgment No. 2006-2 (*Ms. "T"*), paras. 37, 41.
 - Judgment No. 2006-3 (*Ms. "U"*), para. 37.
- no procedural irregularity in non-conversion of
 - Judgment No. 2006-2 (*Ms. "T"*), paras. 42-45, 52.
 - Judgment No. 2006-3 (*Ms. "U"*), paras. 40-49.
- non-conversion decision not shown to have been affected by discrimination on basis of race or nationality
 - Judgment No. 2006-2 (*Ms. "T"*), paras. 49-50.
 - Judgment No. 2006-3 (*Ms. "U"*), para. 50.
- non-conversion to regular appointment sustained (no abuse of discretion)
 - Judgment No. 1997-1 (*Ms. "C"*), para. 41.
 - Judgment No. 2006-2 (*Ms. "T"*), para. 53.
 - Judgment No. 2006-3 (*Ms. "U"*), para. 53.
- procedural fairness in taking non-conversion decision, required elements of
 - Judgment No. 2006-2 (*Ms. "T"*), para. 38.
 - Judgment No. 2006-3 (*Ms. "U"*), para. 38.
- procedural irregularity in non-conversion gives rise to compensable claim
 - Judgment No. 1997-1 (*Ms. "C"*), para. 43.
- promotions not normally given before conversion to regular staff
 - Judgment No. 1996-1 (*Mr. M. D'Aoust*), para. 13.
 - Judgment No. 1997-1 (*Ms. "C"*), para. 34.
- standard of IMFAT's review of non-conversion decision
 - Judgment No. 2006-2 (*Ms. "T"*), para. 36.
 - Judgment No. 2006-3 (*Ms. "U"*), para. 36.

GENDER (*see* DISCRIMINATION; DISCRIMINATION REVIEW EXERCISE (DRE))

GENERAL ADMINISTRATIVE ORDERS (GAOS)

- No. 1
 - Judgment No. 1997-1 (*Ms. "B"*), para. 46.
- No. 3
 - Judgment No. 1999-1 (*Mr. "A"*), notes 11 and 14.
 - Judgment No. 2006-1 (*Mr. "O"*), para. 87 and note 19.
 - Judgment No. 2006-2 (*Ms. "T"*), para. 10 and notes 7, 9-10.
 - Judgment No. 2006-3 (*Ms. "U"*), para. 10 and notes 7, 11-12.
- No. 8
 - Judgment No. 2002-3 (*Ms. "G"*), para. 42
- No. 11
 - Judgment No. 2003-1 (*Ms. "J"*), para. 77 and note 8.

- Judgment No. 2003-2 (*Ms. "K"*), note 3.
- No. 13
Judgment No. 2003-1 (*Ms. "J"*), paras. 23-27, 31, 77-78, 87 and note 32.
Judgment No. 2003-2 (*Ms. "K"*), paras. 11-14, 63 and note 22.
- No. 16
Judgment No. 1999-2 (*Mr. "V"*), para. 18.
Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), para. 13 and note 11.
Judgment No. 2003-1 (*Ms. "J"*), paras. 26-27, 77-78, 80, 135, 147, 151 and note 9.
Judgment No. 2003-2 (*Ms. "K"*), paras. 13-14, 63-64 and note 4.
Judgment No. 2005-1 (*Mr. "F"*), paras. 50-70, 102-103, 106-107, 112 and note 19.
Judgment No. 2005-4 (*Ms. "Z"*), para. 18 and note 13.
Judgment No. 2006-1 (*Mr. "O"*), paras. 76, 82, 86, 91-92 and note 20.
Judgment No. 2006-2 (*Ms. "T"*), note 11.
Judgment No. 2006-3 (*Ms. "U"*), note 13.
- No. 17
Judgment No. 2002-3 (*Ms. "G"*), para. 42.
- No. 20
Judgment No. 2003-1 (*Ms. "J"*), paras. 28-32, 151 and note 17.
- No. 21
Judgment No. 2002-3 (*Ms. "G"*), para. 42
- No. 31
Judgment No. 1996-1 (*Mr. M. D'Aoust*), para. 17.
Judgment No. 1998-1 (*Ms. "Y"*), paras. 28-29, 39-40.
Judgment No. 1999-1 (*Mr. "A"*), para. 18.
Judgment No. 1999-2 (*Mr. "V"*), paras. 125-131 and note 16.
Judgment No. 2001-1 (*Estate of Mr. "D"*), paras. 69-135.
Judgment No. 2001-2 (*Mr. "P" (No. 2)*), notes 11, 30.
Judgment No. 2002-1 (*Mr. "R"*), notes 6-7.
Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), paras. 26-27, 37, 51 and note 17.
Judgment No. 2002-3 (*Ms. "G"*), para. 20
Judgment No. 2003-1 (*Ms. "J"*), paras. 84-85, 87, 91-92 and notes 13, 20, 23, 26.
Judgment No. 2003-2 (*Ms. "K"*), note 6.
Judgment No. 2005-1 (*Mr. "F"*), paras. 13-14, 38 and notes 5, 10.
Judgment No. 2005-2 (*Ms. "W"*), paras. 56, 63-65, 117 and notes 13, 16.
Judgment No. 2005-4 (*Ms. "Z"*), paras. 11, 13, 46-48, 119 and notes 16, 30.
Judgment No. 2006-1 (*Mr. "O"*), paras. 40-41, 65, 68-70, 97 and note 13.
Judgment No. 2006-2 (*Ms. "T"*), para. 27.
Judgment No. 2006-3 (*Ms. "U"*), para. 27.
Judgment No. 2006-5 (*Ms. "AA"*), paras. 21, 30, 34 and note 9.
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), note 53.
- No. 35
Judgment No. 1999-2 (*Mr. "V"*), paras. 25, 68-70, 91-98.

GENERAL PRINCIPLES OF INTERNATIONAL ADMINISTRATIVE LAW (*see also* HUMAN RIGHTS)

audi alteram partem does not require or allow IMFAT to exercise jurisdiction over claim by contractual employee

Judgment No. 1999-1 (*Mr. "A"*), paras. 92-96.

fair process as general principle of international administrative law; authority of IMFAT to review decisions for procedural irregularity

Judgment No. 2003-1 (*Ms. "J"*), paras. 159-160.

Judgment No. 2003-2 (*Ms. "K"*), paras. 97-98.

in determining appropriate standard of review

Judgment No. 2003-1 (*Ms. "J"*), para. 102.

Judgment No. 2003-2 (*Ms. "K"*), para. 42.

nondiscrimination principle imposes substantive limit on exercise of discretionary authority in both policy-making and administrative functions of international organization

Judgment No. 2002-1 (*Mr. "R"*), paras. 30-32.

Judgment No. 2002-3 (*Ms. "G"*), para. 76.

not transgressed in setting grade and salary

Judgment No. 1996-1 (*Mr. M. D'Aoust*), para. 22

notice and hearing are essential principles of

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), para. 152.

Judgment No. 2005-1 (*Mr. "F"*), note 18.

reasonable notice may be required by

Judgment No. 1997-2 (*Ms. "B"*), para. 59.

statutory obligation of IMFAT to apply as incorporated into internal law of the Fund

Judgment No. 1997-1 (*Ms. "C"*), para. 44.

Judgment No. 1997-2 (*Ms. "B"*), para. 37.

Judgment No. 1999-1 (*Mr. "A"*), paras. 92-93.

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), para. 125.

Judgment No. 2002-1 (*Mr. "R"*), para. 30.

Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 123.

GRADING OF POST

discretionary authority

Judgment No. 1996-1 (*Mr. M. D'Aoust*), paras. 23, 26.

discrimination alleged (dismissed on jurisdictional grounds)

Judgment No. 1998-1 (*Ms. "Y"*), para. 8.

no ground to question ad hoc discrimination review's conclusion that not affected by discrimination

Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), paras. 68-69, 80.

no irregularity in

Judgment No. 1996-1 (*Mr. M. D'Aoust*), paras. 20-24, 27, 30.

"underfilling" of post at lower grade

Judgment No. 1997-2 (*Ms. "B"*).

“GRANDFATHERING” PROVISION

defined

Judgment No. 2002-3 (*Ms. “G”*), paras. 87-88 and note 14.

GRIEVANCE COMMITTEE (*see also* EXHAUSTION OF CHANNELS OF ADMINISTRATIVE REVIEW)

authority to decide its own jurisdiction for purposes of proceeding with a grievance

Judgment No. 1998-1 (*Ms. “Y”*), paras. 42-43.

Judgment No. 1999-2 (*Mr. “V”*), para. 130.

Judgment No. 2001-1 (*Estate of Mr. “D”*), paras. 90, 131.

challenge to jurisdiction and standard of review

Judgment No. 1999-2 (*Mr. “V”*), paras. 125-131.

Committee’s dismissal of Grievance for failure to initiate timely review under GAO No.

31 is relevant to but not dispositive of IMFAT’s decision as to whether exhaustion requirement of Article V has been met

Judgment No. 2001-1 (*Estate of Mr. “D”*), paras. 85-91.

Judgment No. 2006-1 (*Mr. “O”*), para. 48.

Judgment No. 2006-5 (*Ms. “AA”*), para. 30.

consideration of grievance following IMFAT’s summary dismissal of earlier application for failure to exhaust channels of administrative review

Judgment No. 2002-2 (*Ms. “Y” (No. 2)*), paras. 4, 26-30.

costs to include representation therein

Order No. 1997-1 (*Interpretation of Judgment No. 1997-1*).

Judgment No. 2005-1 (*Mr. “F”*), para. 124.

data relating to cases reviewed by

Judgment No. 2001-1 (*Estate of Mr. “D”*), paras. 76-78, 109.

decisions of, as to admissibility of evidence and production of documents are not

“administrative acts” subject to Tribunal’s review and rest exclusively within Grievance Committee’s authority under GAO No. 31

Judgment No. 2005-4 (*Ms. “Z”*), para. 119.

exceptional circumstances excused delay in initiating review procedures pursuant to GAO No. 31

Judgment No. 2001-1 (*Estate of Mr. “D”*), paras. 98-128.

jurisdiction of

Judgment No. 1998-1 (*Ms. “Y”*), para. 28.

Judgment No. 1999-2 (*Mr. “V”*), paras. 125-131.

jurisdiction over successor in interest to non-staff member enrollee in Fund benefit plan

Judgment No. 2001-1 (*Estate of Mr. “D”*), para. 84.

lapse in evidentiary record of may be rectified for purposes of Tribunal’s consideration of case through Tribunal’s own fact-finding procedures

Judgment No. 2005-4 (*Ms. “Z”*), para. 120.

no basis for IMFAT to return case to

Judgment No. 2001-1 (*Estate of Mr. “D”*), paras. 129-135.

no jurisdiction over contractual employees

Judgment No. 1999-1 (*Mr. "A"*), para. 18.
no jurisdiction over challenge to decision of Executive Board
Judgment No. 2002-3 (*Ms. "G"*), para. 20.
no jurisdiction where grievance represented challenge to Fund policy rather than to
consistency of policy's application in individual case
Judgment No. 2002-1 (*Mr. "R"*), para. 17 and note 9.
prior review requirements for filing grievance
Judgment No. 1998-1 (*Ms. "Y"*), paras. 29, 39-40.
recommendation of, is not "administrative act"
Judgment No. 1996-1 (*Mr. M. D'Aoust*), para. 17.
relationship between proceedings of and consideration of requests for production of
documents in Tribunal
Judgment No. 2005-1 (*Mr. "F"*), paras. 9, 11-13 and note 5.
relationship to Discrimination Review Exercise (DRE)
Judgment No. 2005-2 (*Ms. "W"*), para. 65 and note 13.
Judgment No. 2005-4 (*Ms. "Z"*), para. 48.
Tribunal has benefit of transcript of proceedings and weighs record generated in
Grievance Committee as element of evidence before it
Judgment No. 1996-1 (*Mr. M. D'Aoust*), para. 6.
Judgment No. 1997-1 (*Ms. "C"*), para. 5.
Judgment No. 1997-2 (*Ms. "B"*), para. 6.
Judgment No. 1999-2 (*Mr. "V"*), para. 6.
Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), para. 11.
Judgment No. 2005-2 (*Ms. "W"*), para. 7.
Judgment No. 2005-4 (*Ms. "Z"*), paras. 7, 121.
Judgment No. 2006-2 (*Ms. "T"*), para. 5.
Judgment No. 2006-3 (*Ms. "U"*), para. 5.
Tribunal not authorized to award costs to Fund for defending allegedly frivolous
claims in Grievance Committee
Judgment No. 1999-2 (*Mr. "V"*), paras. 132-139.
Tribunal's relationship to, distinguished from relationship to SRP Administration
Committee
Judgment No. 2003-1 (*Ms. "J"*), paras. 95-98.
Judgment No. 2003-2 (*Ms. "K"*), para. 41.
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), note 56.
Tribunal weighs record generated in Grievance Committee as evidence; not bound by
Grievance Committee's reasoning or recommendation
Judgment No. 1996-1 (*Mr. M. D'Aoust*), para. 17.
Judgment No. 1999-2 (*Mr. "V"*), note 5 and para. 129.
Tribunal will reconsider admissibility of Application if Grievance Committee decides
it lacks jurisdiction, in circumstances of case
Judgment No. 1998-1 (*Ms. "Y"*), para. 43.
where allegations of bias and lack of due process by, Tribunal's review of Grievance
Committee's record revealed no ground to give record of proceedings any less than
full measure of weight ordinarily accorded them

Judgment No. 2005-4 (*Ms. "Z"*), paras. 117-122.

HARASSMENT (*see also* DISCRIMINATION; HOSTILE WORK ENVIRONMENT)

Applicant suffered actionable harassment although evidence that own behavior contributed to malign atmosphere in work unit
Judgment No. 2005-1 (*Mr. "F"*), paras. 100-101.

atmosphere of religious animosity tantamount to
Judgment No. 2005-1 (*Mr. "F"*), para. 101.

claim of, summarily dismissed for failure to exhaust channels of administrative review
Judgment No. 2006-5 (*Ms. "AA"*), para. 42.

compensation awarded for Fund's failure to take effective measures in response to
Judgment No. 2005-1 (*Mr. "F"*), paras. 97-101, 122 and Decision.

facts known by Applicant within prescribed period for initiating administrative review were sufficient to make out claim of harassment
Judgment No. 2006-5 (*Ms. "AA"*), paras. 39-40.

Fund's policy on
Judgment No. 1997-1 (*Ms. "C"*), paras. 26-27.
Judgment No. 2005-1 (*Mr. "F"*), paras. 91-92, 95, 97.
Judgment No. 2006-5 (*Ms. "AA"*), paras. 35, 39-40.

good faith accusation of; sustainability of accusation not pre-condition for finding of reprisal
Judgment No. 1997-1 (*Ms. "C"*), para. 22.

non-conversion of fixed-term appointment not retaliation for complaint of
Judgment No. 1997-1 (*Ms. "C"*), paras. 28, 41.

relationship to discrimination under Fund's internal law
Judgment No. 2005-1 (*Mr. "F"*), paras. 91, 93, 95.

responsibilities of supervisors in connection with
Judgment No. 2005-1 (*Mr. "F"*), paras. 97-101.

sexual harassment alleged
Judgment No. 1997-1 (*Ms. "C"*), paras. 6-7.

HOSTILE WORK ENVIRONMENT (*see also* DISCRIMINATION; HARASSMENT)

Applicant subjected to on religious and other grounds
Judgment No. 2005-1 (*Mr. "F"*), paras. 91-101.

Applicant uniquely vulnerable to on account of religious affiliation
Judgment No. 2005-1 (*Mr. "F"*), para. 99.

claim summarily dismissed for failure to exhaust channels of administrative review
Judgment No. 2006-5 (*Ms. "AA"*), para. 42.

compensation awarded for Fund's failure to take effective measures in response to religious intolerance and workplace harassment of which Applicant was an object
Judgment No. 2005-1 (*Mr. "F"*), paras. 98-101, 121-122 and Decision.

HOUSING ALLOWANCE

differing treatment of residential security costs incurred directly (v. indirectly) by overseas staff member is inconsistent with principle of equal treatment
Judgment No. 2004-1 (*Mr. "R" (No. 2)*), paras. 51-52.

HUMAN RIGHTS (*see also* DISCRIMINATION; GENERAL PRINCIPLES OF INTERNATIONAL ADMINISTRATIVE LAW)

Fund's apparent failure to give consideration to effect of former SRP Section 11.3 on children born out of wedlock, not compatible with universally accepted principles of
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 133.
greater degree of Tribunal's scrutiny where contested decision allegedly violated
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 117.
international administrative jurisprudence recognizing
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 125.
religious discrimination prohibited by universally accepted principles of human rights, as well as by Fund's internal law
Judgment No. 2005-1 (*Mr. "F"*), para. 81.
Universal Declaration of Human Rights (1948)
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 133.
universally accepted principles of, as constraint on discretionary authority
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 125.
universally accepted principles of, protect child born out of wedlock from impermissible discrimination
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 130.

IMMUNITIES OF INTERNATIONAL ORGANIZATIONS

and compliance by international civil servants with domestic relations orders
Judgment No. 2001-2 (*Mr. "P" (No. 2)*), paras. 70-87, 129-131.
and history of Fund's steps to provide alternative mechanisms for giving effect to domestic relations orders
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 118-122, 140, 152, 157, 203 and notes 78, 85.

IMPROPER MOTIVE

abuse of motive if organization exercises power for purposes other than that for which granted
Judgment No. 2005-1 (*Mr. "F"*), para. 74.
additional motive of overcoming personnel conflicts in section did not vitiate legitimacy of departmental restructuring
Judgment No. 2005-1 (*Mr. "F"*), paras. 78-79.
not established in decision to abolish position

Judgment No. 2005-1 (*Mr. "F"*), paras. 71-79.
requires causal link between irregular motive and contested decision
Judgment No. 2005-1 (*Mr. "F"*), para. 73.

IN CAMERA REVIEW (*see* PRODUCTION OF DOCUMENTS AND INFORMATION)

“INDIVIDUAL DECISION” (ARTICLE II(2))

effective date of “regulatory decision” not significant where challenge is to
“individual decision” based thereon

Judgment No. 1997-2 (*Ms. "B"*), paras. 57-59.

“individual” and “regulatory” decisions may be analytically indistinguishable where
decision is to deny exception to general policy

Judgment No. 2002-1 (*Mr. "R"*), paras. 25, 61.

Judgment No. 2002-3 (*Ms. "G"*), para. 73.

standard of IMFAT’s review of comprehends multiple factors, some contemplating
stricter scrutiny than others

Judgment No. 2003-1 (*Ms. "J"*), paras. 107-108.

Judgment No. 2003-2 (*Ms. "K"*), para. 44.

Tribunal competent to rule on even if lacks jurisdiction to pass on policy as “regulatory
decision”

Judgment No. 1996-1 (*Mr. M. D’Aoust*), para. 35.

Judgment No. 2004-1 (*Mr. "R" (No. 2)*), para. 51.

INFORMATION (*see* PRODUCTION OF DOCUMENTS AND INFORMATION)

INFORMATION SECURITY (*see also* CONFIDENTIALITY)

and exercise of discretionary authority

Judgment No. 1999-2 (*Mr. "V"*), para. 96.

Fund’s policy on

Judgment No. 1999-2 (*Mr. "V"*), paras. 25, 68-70.

no violation of policy

Judgment No. 1999-2 (*Mr. "V"*), paras. 91-98.

INJURY

no nexus established between alleged injury and alleged illegal act of Fund

Judgment No. 1999-2 (*Mr. "V"*), paras. 115-120.

INTANGIBLE INJURY

provides basis for relief

Judgment No. 2005-1 (*Mr. "F"*), para. 121.

INTER-AMERICAN DEVELOPMENT BANK ADMINISTRATIVE TRIBUNAL (IDBAT) JURISPRUDENCE

Schwarzenberg Fonck v. Inter-American Development Bank, IDBAT Judgment No. 2 (1984)

Judgment No. 1996-1 (*Mr. M. D'Aoust*), para. 23.

Judgment No. 1997-2 (*Ms. "B"*), para. 61.

INTER-AMERICAN DEVELOPMENT BANK ADMINISTRATIVE TRIBUNAL (IDBAT) STATUTE AND RULES OF PROCEDURE

intervention

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), note 17.

statute of limitations where Applicant deceased

Judgment No. 2001-1 (*Estate of Mr. "D"*), para. 123 and note 30.

INTERNAL LAW OF THE IMF (*see also* ARTICLES OF AGREEMENT ; CODE OF CONDUCT OF IMF, GENERAL ADMINISTRATIVE ORDERS (GAOs); GENERAL PRINCIPLES OF INTERNATIONAL ADMINISTRATIVE LAW; N RULES OF IMF; RULES AND REGULATIONS OF IMF; SOURCES OF LAW; STAFF BULLETINS)

alleged conflict with contractual obligations

Judgment No. 1999-2 (*Mr. "V"*), paras. 84-85

as "public policy" of forum in Tribunal's resolution of potential conflict of laws

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), paras. 150, 156.

Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 155, 204.

favors legal decisions that are result of adversary proceedings, in which reasonable notice and opportunity to be heard are essential elements

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), para. 152.

IMFAT takes notice of announcements of benefits and allowances posted on Fund's intranet

Judgment No. 2002-1 (*Mr. "R"*), note 14.

includes both formal and unwritten sources

Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 123.

incorporation of general principles of international administrative law

Judgment No. 1997-1 (*Ms. "C"*), para. 44.

Judgment No. 1997-2 (*Ms. "B"*), para. 37.

Judgment No. 1999-1 (*Mr. "A"*), paras. 92-96.

Judgment No. 2003-1 (*Ms. "J"*), para. 159.

Judgment No. 2003-2 (*Ms. "K"*), para. 97.

Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 123.

no violation of various provisions of

Judgment No. 1999-2 (*Mr. "V"*), paras. 90-103.

not transgressed in setting grade and salary

Judgment No. 1996-1 (*Mr. M. D'Aoust*), para. 22.

primacy of Articles of Agreement

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), para. 128.
prohibits religious discrimination
Judgment No. 2005-1 (*Mr. "F"*), paras. 82-84.
sources of
Judgment No. 1997-2 (*Ms. "B"*), para. 37.
written law sets forth principle of nondiscrimination within context of employment
relationship
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 126.

INTERNATIONAL ADMINISTRATIVE TRIBUNALS

tribunals of limited jurisdiction
Judgment No. 1999-1 (*Mr. "A"*), para. 56.
Judgment No. 1999-2 (*Mr. "V"*), para. 110.

INTERNATIONAL COURT OF JUSTICE (ICJ) JURISPRUDENCE

Judgments of the Administrative Tribunal of the International Labour Organisation
ICJ Reports (1956)
Judgment No. 1999-1 (*Mr. "A"*), para. 89.

INTERNATIONAL LABOUR ORGANISATION ADMINISTRATIVE TRIBUNAL (ILOAT) JURISPRUDENCE

Aelvoet (No. 6) and others, ILOAT Judgment No. 1712 (1998)
Judgment No. 2005-3 (*Baker et al.*) (*Admissibility of the Applications*), para. 20.
Judgment No. 2006-4 (*Baker et al.*) (*Dismissal of the Applications as Moot*), para.
18.
Al Joundi, ILOAT Judgment No. 259 (1975)
Judgment No. 2001-1 (*Estate of Mr. "D"*), para. 100.
Amezqueta, ILOAT Judgment No. 1034 (1990)
Judgment No. 1999-1 (*Mr. "A"*), paras. 72-73.
Mrs. A.M.I., ILOAT Judgment No. 2156 (2002)
Judgment No. 2005-1 (*Mr. "F"*), para. 60.
Ayoub (No. 2), ILOAT Judgment No. 986 (1989)
Judgment No. 2005-3 (*Baker et al.*) (*Admissibility of the Applications*), para. 20.
Judgment No. 2006-4 (*Baker et al.*) (*Dismissal of the Applications as Moot*), para.
18.
Belser (No. 2), Bossung (No. 2) and Lederer (No. 2), ILOAT Judgment No. 1825 (1998)
Judgment No. 2004-1 (*Mr. "R" (No. 2)*), para. 27.
Bustos, ILOAT Judgment No. 701 (1985)
Judgment No. 1999-1 (*Mr. "A"*), paras. 77-81.
Connolly-Battisti (No. 5), ILOAT Judgment No. 323 (1977)
Judgment No. 1996-1 (*Mr. M. D'Aoust*), para. 37.
Judgment No. 1997-2 (*Ms. "B"*), para. 38.

Darricades, ILOAT Judgment No. 67 (1962)
 Judgment No. 1999-1 (*Mr. "A"*), paras. 70-71, 91.

Diotallevi and Tedjini, ILOAT Judgment No. 1272 (1993)
 Judgment No. 1996-1 (*Mr. M. D'Aoust*), para. 23.
 Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), note 30.

Dunand and Jacquemod, ILOAT Judgment No. 929 (1988)
 Judgment No. 1996-1 (*Mr. M. D'Aoust*), para. 26.

Duran, ILOAT Judgment No. 375 (1979)
 Judgment No. 2003-1 (*Ms. "J"*), paras. 119-120.

Durand-Smet, ILOAT Judgment No. 2040 (2000)
 Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), para. 64.
 Judgment No. 2005-2 (*Ms. "W"*), note 22.
 Judgment No. 2005-4 (*Ms. "Z"*), note 24.

Enderlyn Laouyane (No. 2), ILOAT Judgment No. 2316 (2004)
 Judgment No. 2004-1 (*Mr. "R" (No. 2)*), para. 28.

Garcia, ILOAT Judgment No. 591 (1983)
 Judgment No. 1996-1 (*Mr. M. D'Aoust*), para. 26.

Gracia de Muñiz, ILOAT Judgment No. 269 (1976)
 Judgment No. 2005-1 (*Mr. "F"*), para. 113.

Haas, ILOAT Judgment No. 473 (1982)
 Judgment No. 2001-2 (*Mr. "P" (No. 2)*), note 22.

Mr. I. M. B., ILOAT Judgment No. 2120 (2002)
 Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 125.

Mr. J.C., ILOAT Judgment No. 139 (1969)
 Judgment No. 2005-1 (*Mr. "F"*), paras. 48, 78.

Labarthe, ILOAT Judgment No. 307 (1977)
 Judgment No. 1999-1 (*Mr. "A"*), para. 65.

Louis (No. 3), ILOAT Judgment No. 1263 (1993)
 Judgment No. 2004-1 (*Mr. "R" (No. 2)*), paras. 27-28.

Malhotra, ILOAT Judgment No. 1372 (2000)
 Judgment No. 2005-1 (*Mr. "F"*), note 8.

Niesing, Peeters and Roussot, ILOAT Judgment No. 963 (1989)
 Judgment No. 1996-1 (*Mr. M. D'Aoust*), para. 37.

Pary (No. 4), ILOAT Judgment No. 1500 (1996)
 Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), para. 54.

Privitera, ILOAT Judgment No. 75 (1964)
 Judgment No. 1999-1 (*Mr. "A"*), paras. 68-69.

Sanoi (No.6), ILOAT Judgment No. 1216 (1993)
 Judgment No. 2004-1 (*Mr. "R" (No. 2)*), para. 27.

Saunders, ILOAT Judgment No. 1466 (1996)
 Judgment No. 2006-5 (*Ms. "AA"*), para. 37.

Schulz, ILOAT Judgment No. 575 (1983)
 Judgment No. 2001-1 (*Estate of Mr. "D"*), paras. 93, 96.
 Judgment No. 2006-5 (*Ms. "AA"*), para. 37.

Mr. S.S., ILOAT Judgment No. 2294 (2004)

Judgment No. 2005-1 (*Mr. "F"*), para. 116.
Tarrab, ILOAT Judgment No. 498 (1982)
Judgment No. 2002-1 (*Mr. "R"*), paras. 41-42.
Vollering, ILOAT Judgment No. 1194 (1992)
Judgment No. 2002-1 (*Mr. "R"*), paras. 39-40.
Judgment No. 2002-3 (*Ms. "G"*), para. 76.

INTERNATIONAL LABOUR ORGANISATION ADMINISTRATIVE TRIBUNAL (ILOAT) STATUTE and RULES OF PROCEDURE

intervention

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), note 17.
no express provisions relating to exceptional circumstances in respect of admissibility
of Application
Judgment No. 2001-1 (*Estate of Mr. "D"*), para. 100.

INTERNATIONAL MONETARY FUND ADMINISTRATIVE TRIBUNAL (IMFAT)

makes own findings of fact and holdings of law; not bound by reasoning or
recommendation of Grievance Committee
Judgment No. 1996-1 (*Mr. M. D'Aoust*), para. 17.
Judgment No. 1999-2 (*Mr. "V"*), para. 129.
powers do not go beyond resolution of cases brought before it by Applicants
Order No. 2005-2 (*Mr. "F"*) (*Interpretation of Judgment No. 2005-1*), para. 16.
role of, within Fund's dispute resolution system
Judgment No. 2003-1 (*Ms. "J"*), para. 95.
tribunal of limited jurisdiction
Judgment No. 1999-1 (*Mr. "A"*), paras. 56-59.
Judgment No. 1999-2 (*Mr. "V"*), para. 110.

INTERNATIONAL MONETARY FUND ADMINISTRATIVE TRIBUNAL (IMFAT) JURISPRUDENCE

Mr. "A", Applicant v. International Monetary Fund, Respondent, IMFAT

Judgment No. 1999-1 (August 12, 1999)
Judgment No. 2001-2 (*Mr. "P" (No. 2)*), paras. 58, 62 and notes 21, 44.
Judgment No. 2003-1 (*Ms. "J"*), para. 160.
Judgment No. 2003-2 (*Ms. "K"*), para. 98.
Judgment No. 2005-4 (*Ms. "Z"*), note 29.
Judgment No. 2006-2 (*Ms. "T"*), note 6.
Judgment No. 2006-3 (*Ms. "U"*), note 6.

Ms. "B", Applicant v. International Monetary Fund, Respondent, IMFAT

Judgment No. 1997-2 (December 23, 1997)
Judgment No. 2004-1 (*Mr. "R" (No. 2)*), para. 49.
Judgment No. 2006-5 (*Ms. "AA"*), note 7.

Ms. "C", Applicant v. International Monetary Fund, Respondent, IMFAT

Judgment No. 1997-1 (April 22, 1997)

Judgment No. 1999-1 (*Mr. "A"*), note 11 and para. 94.

Judgment No. 1999-2 (*Mr. "V"*), paras. 136-137.

Order No. 1997-1 (*Interpretation of Judgment No. 1997-1*).

Order No. 1998-1 (*Assessment of compensable legal costs pursuant to Judgment No. 1997-1*).

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), para. 152.

Judgment No. 2003-1 (*Ms. "J"*), paras. 107-108, 112, 160.

Judgment No. 2003-2 (*Ms. "K"*), para. 98.

Judgment No. 2005-1 (*Mr. "F"*), paras. 120 and note 18.

Judgment No. 2006-2 (*Ms. "T"*), paras. 31, 36-37, 44, 46 and note 8.

Judgment No. 2006-3 (*Ms. "U"*), paras. 31, 36-37, 43, 47 and notes 10, 14.

Ms. "C", Applicant v. International Monetary Fund, Respondent (Interpretation of Judgment No. 1997-1), IMFAT Order No. 1997-1 (December 22, 1997)

Judgment No. 2004-1 (*Mr. "R" (No. 2)*), para. 26.

Judgment No. 2005-1 (*Mr. "F"*), para. 124.

Order No. 2005-2 (*Mr. "F"*) (*Interpretation of Judgment No. 2005-1*), paras. 7, 9

Ms. "C", Applicant v. International Monetary Fund, Respondent (Assessment of compensable legal costs pursuant to Judgment No. 1997-1), IMFAT Order No. 1998-1 (December 18, 1998)

Judgment No. 2003-1 (*Ms. "J"*), para. 181.

Judgment No. 2003-2 (*Ms. "K"*), para. 118.

Judgment No. 2005-1 (*Mr. "F"*), para. 123.

Mr. M. D'Aoust, Applicant v. International Monetary Fund, Respondent, IMFAT Judgment No. 1996-1 (April 2, 1996)

Judgment No. 1997-1 (*Ms. "C"*), para. 34.

Judgment No. 1997-2 (*Ms. "B"*), paras. 39, 46, 54, 56, 60, 61.

Judgment No. 1999-1 (*Mr. "A"*), paras. 53-55.

Judgment No. 1999-2 (*Mr. "V"*), notes 5 and 11, paras. 87-89, 129-130.

Judgment No. 2001-1 (*Estate of Mr. "D"*), paras. 86, 90, 130 and note 31.

Judgment No. 2002-1 (*Mr. "R"*), paras. 34, 37 and note 13.

Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), paras. 11, 55 and notes 30, 33.

Judgment No. 2002-3 (*Ms. "G"*), para. 76.

Judgment No. 2003-1 (*Ms. "J"*), paras. 95-97, 112 and note 31.

Judgment No. 2003-2 (*Ms. "K"*), notes 11, 21.

Judgment No. 2004-1 (*Mr. "R" (No. 2)*), para. 48, note 20.

Judgment No. 2005-1 (*Mr. "F"*), para. 81.

Judgment No. 2005-2 (*Ms. "W"*), para. 7 and note 17.

Judgment No. 2005-4 (*Ms. "Z"*), paras. 7, 118, 120-121 and notes 19, 26.

Judgment No. 2006-1 (*Mr. "O"*), para. 84.

Judgment No. 2006-2 (*Ms. "T"*), para. 5.

Judgment No. 2006-3 (*Ms. "U"*), para. 5.

Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 124 and note 1.

Estate of Mr. "D", Applicant v. International Monetary Fund, Respondent (Admissibility of the Application), IMFAT Judgment No. 2001-1 (March 30, 2001)

- Order No. 2001-1 (*Estate of Mr. "D"*) (*Withdrawal of the Application*)
 Judgment No. 2001-2 (*Mr. "P"* (No. 2)), paras. 57-58, 152 and notes 25, 30.
 Judgment No. 2002-2 (*Ms. "Y"* (No. 2)), para. 40 and note 21.
 Judgment No. 2003-1 (*Ms. "J"*), paras. 85-86, 96 and note 22.
 Judgment No. 2005-1 (*Mr. "F"*), para. 13 and note 18.
 Judgment No. 2005-2 (*Ms. "W"*), para. 116.
 Judgment No. 2005-4 (*Ms. "Z"*), paras. 119-120 and notes 8, 31.
 Judgment No. 2006-1 (*Mr. "O"*), paras. 47-50, 65, 67.
 Judgment No. 2006-5 (*Ms. "AA"*), paras. 30-32, 41- 42 and note 12.
 Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 97-98, 105-107, 110, 176 and note 1.
- Mr. "F", Applicant v. International Monetary Fund, Respondent*, IMFAT Judgment No. 2005-1 (March 18, 2005)
 Judgment No. 2005-2 (*Ms. "W"*), paras. 13-14, 120 and notes 11, 16.
 Judgment No. 2005-4 (*Ms. "Z"*), notes 14, 16.
 Order No. 2005-1 (*Mr. "F"*) (*Assessment of compensable legal costs pursuant to Judgment No. 2005-1*).
 Order No. 2005-2 (*Mr. "F"*) (*Interpretation of Judgment No. 2005-1*).
 Judgment No. 2006-1 (*Mr. "O"*), paras. 73-74 and note 17.
 Judgment No. 2006-2 (*Ms. "T"*), paras. 36, 49.
 Judgment No. 2006-3 (*Ms. "U"*), paras. 36, 50.
 Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 124, 126.
- Ms. "G", Applicant and Mr. "H", Intervenor v. International Monetary Fund, Respondent*, IMFAT Judgment No. 2002-3 (December 18, 2002)
 Judgment No. 2003-1 (*Ms. "J"*), paras. 105, 116 and note 7.
 Judgment No. 2004-1 (*Mr. "R"* (No. 2)), note 14.
 Judgment No. 2005-1 (*Mr. "F"*), para. 81.
 Judgment No. 2005-3 (*Baker et al.*) (*Admissibility of the Applications*), para. 17.
 Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 116, 124, 127-128, 131 and note 10.
- Ms. "J", Applicant v. International Monetary Fund, Respondent*, IMFAT Judgment No. 2003-1 (September 30, 2003)
 Judgment No. 2003-2 (*Ms. "K"*), paras. 22, 43-45, 49, 54, 56, 59, 63, 106.
 Order No. 2003-1 (*Ms. "J"*) (*Assessment of compensable legal costs pursuant to Judgment No. 2003-1*).
 Judgment No. 2005-1 (*Mr. "F"*), para. 49.
 Judgment No. 2005-2 (*Ms. "W"*), paras. 116-117 and note 15.
 Judgment No. 2005-4 (*Ms. "Z"*), notes 8, 15.
 Judgment No. 2006-2 (*Ms. "T"*), para. 36.
 Judgment No. 2006-3 (*Ms. "U"*), para. 36.
 Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 116 and notes 53, 56.
- Ms. "K", Applicant v. International Monetary Fund, Respondent*, IMFAT Judgment No. 2003-2 (September 30, 2003)
 Order No. 2003-2 (*Ms. "K"*) (*Assessment of compensable legal costs pursuant to Judgment No. 2003-2*)

Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), note 53.

Mr. "O", Applicant v. International Monetary Fund, Respondent, IMFAT
Judgment No. 2006-1 (February 15, 2006)
Judgment No. 2006-5 (*Ms. "AA"*), paras. 32, 40 and note 9.
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 97, 106-107.

Mr. "P", Applicant v. International Monetary Fund, Respondent (Mootness of Application), IMFAT Order No. 1999-2 (August 12, 1999)
Judgment No. 2001-2 (*Mr. "P" (No. 2)*), para. 24.

Mr. "P" (No. 2), Applicant v. International Monetary Fund, Respondent, IMFAT
Judgment No. 2001-2 (November 20, 2001)
Judgment No. 2002-3 (*Ms. "G"*), para. 25.
Judgment No. 2003-1 (*Ms. "J"*), paras. 114-116, 160 and notes 7, 12, 29.
Judgment No. 2003-2 (*Ms. "K"*), paras. 47-48, 98 and notes 5, 13.
Judgment No. 2005-1 (*Mr. "F"*), note 18.
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 13-14, 79, 104, 110, 113, 118-119, 140-141, 143, 151, 153, 155, 162, 168, 176, 183-184, 197, 203-204 and notes 1, 46, 53, 73, 91, 99, 107.

Mr. "R", Applicant v. International Monetary Fund, Respondent, IMFAT
Judgment No. 2002-1 (March 5, 2002)
Judgment No. 2002-3 (*Ms. "G"*), paras. 59-60, 75-79 and note 8.
Judgment No. 2003-1 (*Ms. "J"*), paras. 105-106.
Judgment No. 2004-1 (*Mr. "R" (No. 2)*).
Judgment No. 2005-1 (*Mr. "F"*), para. 81.
Judgment No. 2005-2 (*Ms. "W"*), note 7.
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 116, 124, 127-128, 131.

Mr. "R" (No. 2), Applicant v. International Monetary Fund, Respondent, IMFAT
Judgment No. 2004-1 (December 10, 2004)
Order No. 2005-2 (*Mr. "F"*) (*Interpretation of Judgment No. 2005-1*), para. 8.
Judgment No. 2006-1 (*Mr. "O"*), para. 66.

Ms. "S", Applicant v. International Monetary Fund, Respondent, IMFAT
Judgment No. 1995-1 (May 5, 1995)
Judgment No. 2001-2 (*Mr. "P" (No. 2)*), note 10.
Judgment No. 2002-3 (*Ms. "G"*), paras. 64-72.
Judgment No. 2005-1 (*Mr. "F"*), note 13.
Order No. 2005-2 (*Mr. "F"*) (*Interpretation of Judgment No. 2005-1*), para. 8.

Ms. "T", Applicant v. International Monetary Fund, Respondent, IMFAT
Judgment No. 2006-2 (June 7, 2006)
Judgment No. 2006-5 (*Ms. "AA"*), note 8.

Ms. "U", Applicant v. International Monetary Fund, Respondent, IMFAT
Judgment No. 2006-3 (June 7, 2006)
Judgment No. 2006-5 (*Ms. "AA"*), note 8.

Mr. "V", Applicant v. International Monetary Fund, Respondent, IMFAT
Judgment No. 1999-2 (August 13, 1999)
Judgment No. 2001-1 (*Estate of Mr. "D"*), paras. 86, 131.
Judgment No. 2001-2 (*Mr. "P" (No. 2)*), note 44.

- Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), para. 63 and note 9.
 Judgment No. 2003-1 (*Ms. "J"*), paras. 95, 109, 112.
 Judgment No. 2005-4 (*Ms. "Z"*), para. 120 and note 31.
 Judgment No. 2006-1 (*Mr. "O"*), para. 93.
- Ms. "W", Applicant v. International Monetary Fund, Respondent*, IMFAT Judgment No. 2005-2 (November 17, 2005)
 Judgment No. 2005-4 (*Ms. "Z"*), paras. 12-15, 45, 54, 66, 71-72, 74, 109, 115 and notes 8-9, 23, 28.
 Judgment No. 2006-1 (*Mr. "O"*), para. 73.
 Judgment No. 2006-2 (*Ms. "T"*), para. 7.
 Judgment No. 2006-3 (*Ms. "U"*), para. 7.
 Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 97.
- Mr. "X", Applicant v. International Monetary Fund, Respondent*, IMFAT Judgment No. 1994-1 (August 31, 1994)
 Judgment No. 1995-1 (*Ms. "S"*), paras. 9, 13, 21.
 Judgment No. 2001-2 (*Mr. "P" (No. 2)*), note 10.
 Judgment No. 2002-3 (*Ms. "G"*), paras. 64-69.
 Judgment No. 2006-1 (*Mr. "O"*), paras. 64, 66.
 Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), note 64.
- Ms. "Y", Applicant v. International Monetary Fund, Respondent*, IMFAT Judgment No. 1998-1 (December 18, 1998)
 Judgment No. 1999-2 (*Mr. "V"*), para. 127.
 Order No. 1999-1 (*Interpretation of Judgment No. 1998-1*).
 Judgment No. 2001-1 (*Estate of Mr. "D"*), paras. 67, 87-88, 131-133 and notes 8, 18.
 Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), paras. 3, 26-28, 37-39.
 Judgment No. 2003-1 (*Ms. "J"*), paras. 83, 96 and note 19.
 Judgment No. 2005-2 (*Ms. "W"*), para. 116 and note 13.
 Judgment No. 2005-4 (*Ms. "Z"*), para. 121 and notes 8, 31.
- Ms. "Y", Applicant v. International Monetary Fund, Respondent (Interpretation of Judgment No. 1998-1)*, IMFAT Order No. 1999-1 (February 26, 1999)
 Judgment No. 2001-1 (*Estate of Mr. "D"*), paras. 85-90.
 Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), note 15.
 Judgment No. 2004-1 (*Mr. "R" (No. 2)*), para. 26.
 Order No. 2005-2 (*Mr. "F"*) (*Interpretation of Judgment No. 2005-1*), paras. 7-8.
- Ms. "Y" (No. 2), Applicant v. International Monetary Fund, Respondent*, IMFAT Judgment No. 2002-2 (March 5, 2002)
 Judgment No. 2003-1 (*Ms. "J"*), paras. 84, 86, 105-106, 109-110, 116 and note 31.
 Judgment No. 2003-2 (*Ms. "K"*), para. 45 and note 21.
 Judgment No. 2005-1 (*Mr. "F"*), notes 12, 13, 16.
 Judgment No. 2005-2 (*Ms. "W"*), paras. 20, 62-69, 77, 87, 89, 92, 117, 121 and notes 13, 15, 17, 22-23, 25.
 Judgment No. 2005-4 (*Ms. "Z"*), paras. 13, 45-52, 54, 62, 66, 72-73, 75, 78 and notes 15, 19, 24, 27.

Judgment No. 2006-1 (*Mr. "O"*), para. 50.
Ms. "Z", Applicant v. International Monetary Fund, Respondent, IMFAT
 Judgment No. 2005-4 (December 30, 2005)
 Judgment No. 2006-1 (*Mr. "O"*), notes 9, 22.
 Judgment No. 2006-2 (*Ms. "T"*), note 14.
 Judgment No. 2006-3 (*Ms. "U"*), note 17.
 Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 103.
 Order No. 1997-1 (*Interpretation of Judgment No. 1997-1*) (December 22, 1997)
 Judgment No. 1999-2 (*Mr. "V"*), paras. 132-139.
 Order No. 1998-1 (*Assessment of compensable legal costs pursuant to Judgment No. 1997-1*).

INTERPERSONAL SKILLS

may be considered in assessing performance
 Judgment No. 1997-1 (*Ms. "C"*), paras. 35-36.

INTERPRETATION OF JUDGMENTS (*see* JUDGMENTS, INTERPRETATION OF)

INTERVENTION

admitted over Applicant's argument that Intervention would increase burden to her as litigant
 Judgment No. 2002-3 (*Ms. "G"*), para. 35.
 application for, granted
 Judgment No. 2001-2 (*Mr. "P" (No. 2)*), paras. 7, 48-65.
 Judgment No. 2002-3 (*Ms. "G"*), paras. 7, 21-36.
 broad standard for admission of application for intervention
 Judgment No. 2002-3 (*Ms. "G"*), para. 33.
 by non-staff member spouse adversely affected by decision of SRP Administration Committee
 Judgment No. 2001-2 (*Mr. "P" (No. 2)*), paras. 48-68.
 by staff member in same visa status as Applicant, challenging eligibility criteria for expatriate benefits
 Judgment No. 2002-3 (*Ms. "G"*), paras. 21-36.
 distinguished from *Amicus Curiae*
 Judgment No. 2001-2 (*Mr. "P" (No. 2)*), para. 50.
 Judgment No. 2003-1 (*Ms. "J"*), para. 19 and note 7.
 identity between claims of Applicant and Intervenor as touchstone for admissibility
 Judgment No. 2002-3 (*Ms. "G"*), para. 34.
 in case of challenge to "regulatory" decision
 Judgment No. 2002-3 (*Ms. "G"*), para. 32.
 Intervenor not required to exhaust channels of administrative review
 Judgment No. 2001-2 (*Mr. "P" (No. 2)*), notes 15, 22.
 Intervenor participates in proceedings as a party

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), paras. 66-68.
Intervenor typically shares similar factual legal position to that of Applicant
Judgment No. 2001-2 (*Mr. "P" (No. 2)*), note 31.
permits adjudication of Intervenor's rights vis-à-vis administrative act contested by Applicant
Judgment No. 2001-2 (*Mr. "P" (No. 2)*), para. 66.
prerequisites for, and Tribunal's jurisdiction *ratione personæ*
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), note 1.
procedural steps relating to
Judgment No. 2001-2 (*Mr. "P" (No. 2)*), paras. 67-68.
Judgment No. 2002-3 (*Ms. "G"*), para. 7.
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 12, 15.
retiree given notice of Tribunal proceedings; knowingly relinquished opportunity to participate as Intervenor where Applicants sought to give effect to child support orders pursuant to Staff Retirement Plan provision
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 15, 99.
rules for, compared with those of other international administrative tribunals
Judgment No. 2001-2 (*Mr. "P" (No. 2)*), notes 17 and 22.
statutory requirements for
Judgment No. 2001-2 (*Mr. "P" (No. 2)*), para. 49.
Judgment No. 2002-3 (*Ms. "G"*), paras. 24-25.
where statutory prerequisites met, Tribunal invites participation of potential Intervenor in interest of providing interested persons reasonable opportunity to be heard
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 12-15.

INTIMIDATION (*see* HARASSMENT)

JOB GRADING (*see* GRADING OF POST)

JOB LADDERS

promotion across
Judgment No. 1997-2 (*Ms. "B"*), paras. 14, 33-34, 45.

JOB QUALIFICATIONS

those stated in vacancy announcement may refine and particularize Job Standards
Judgment No. 1997-2 (*Ms. "B"*), para. 77.
"underfilling" of position where job qualifications not fully met
Judgment No. 1997-2 (*Ms. "B"*), paras. 10-12, 21, 24, 35, 69-70, 77.

JOB STANDARDS

departments may set higher qualifications

Judgment No. 1997-2 (*Ms. "B"*), para. 26.
vacancy announcement may refine and particularize these for given job
Judgment No. 1997-2 (*Ms. "B"*), para. 77.

JUDGMENTS, FINALITY OF (*see also RES JUDICATA*)

Judgments are final and without appeal
Order No. 1997-1 (*Interpretation of Judgment No. 1997-1*).
Order No. 1999-1 (*Interpretation of Judgment No. 1998-1*).

JUDGMENTS, INTERPRETATION OF

Fund's request for, denied
Order No. 2005-2 (*Mr. "F"*) (*Interpretation of Judgment No. 2005-1*), para. 18.
Fund's request for interpretation denied; term "jurisdiction" not obscure or incomplete
Order No. 1999-1 (*Interpretation of Judgment No. 1998-1*).
legality of Judgment not subject to interpretation
Order No. 1997-1 (*Interpretation of Judgment No. 1997-1*).
request for, may be rejected when infringes on principle of finality of judgments
Order No. 2005-2 (*Mr. "F"*) (*Interpretation of Judgment No. 2005-1*), paras. 7-9.
requirements for admissibility of, not met where operative provisions of Judgment not "obscure or incomplete" and party seeks advice rather than interpretation
Order No. 2005-2 (*Mr. "F"*) (*Interpretation of Judgment No. 2005-1*), paras. 11-18.
terms "costs" and "legal representation" interpreted
Order No. 1997-1 (*Interpretation of Judgment No. 1997-1*).
Tribunal's authority to render is narrowly drawn exception to rule of finality of judgments
Order No. 2005-2 (*Mr. "F"*) (*Interpretation of Judgment No. 2005-1*), para. 6.

JURISDICTION (GENERALLY)

conferred on IMFAT exclusively by its Statute
Judgment No. 1999-1 (*Mr. "A"*), para. 96.
conferred on IMFAT exclusively by its Statute; not altered by implementation of ad hoc discrimination review exercise
Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), para. 51.
Fund's request for interpretation of term denied
Order No. 1999-1 (*Interpretation of Judgment No. 1998-1*).
IMFAT as Tribunal of limited jurisdiction
Judgment No. 1999-1 (*Mr. "A"*), paras. 56-59.
Judgment No. 1999-2 (*Mr. "V"*), para. 110.
Judgment No. 2001-2 (*Mr. "P" (No. 2)*), para. 120.
jurisprudence of other administrative tribunals

Judgment No. 1999-1 (*Mr. "A"*), paras. 63-85.
lack of forum for judicial redress of Applicant's claim does not require or allow
IMFAT to exercise jurisdiction
Judgment No. 1999-1 (*Mr. "A"*), paras. 87-96.
may be decided without considering allegations on the merits; jurisprudence
Judgment No. 1999-1 (*Mr. "A"*), paras. 60-86.
over potential Intervenor, may be decided without deciding allegations on the merits
Judgment No. 2001-2 (*Mr. "P" (No. 2)*), paras. 62-63.
to resolve underlying dispute is predicated on finding of error in contested administrative
act
Judgment No. 2001-2 (*Mr. "P" (No. 2)*), para. 122.

JURISDICTION *RATIONE MATERIAE* OF IMFAT (*see also* "ADVERSELY AFFECTING" REQUIREMENT OF ARTICLE II)

and "adversely affecting" requirement of Article II
Judgment No. 2002-3 (*Ms. "G"*), paras. 57-62.
and "regulatory decisions"
Judgment No. 1997-1 (*Mr. M. D'Aoust*), paras. 33-35.
closely intertwined with jurisdiction *ratione personae*
Judgment No. 1999-1 (*Mr. "A"*), para. 51.
does not encompass allegation that Fund is responsible for alleged acts of Staff
Association Committee (SAC)
Judgment No. 1999-2 (*Mr. "V"*), paras. 104-114.
generally
Judgment No. 1999-1 (*Mr. "A"*), paras. 49-55.
Judgment No. 2001-2 (*Mr. "P" (No. 2)*), paras. 121-122.
Judgment No. 2002-1 (*Mr. "R"*), para. 21.
limited to challenges to legality of "administrative act" of Fund
Judgment No. 2003-1 (*Ms. "J"*), para. 82.
Judgment No. 2006-1 (*Mr. "O"*), para. 47.
no jurisdiction *ratione materiae* over claim that contractual employee should have
been member of the staff
Judgment No. 1999-1 (*Mr. "A"*), para. 86.
over decisions arising under Staff Retirement Plan
Judgment No. 2001-2 (*Mr. "P" (No. 2)*), para. 141
over matters preliminary to hiring of staff member
Judgment No. 1999-1 (*Mr. "A"*), paras. 53-55.

JURISDICTION *RATIONE PERSONAE* OF THE IMFAT

and Intervention by non-staff member spouse adversely affected by decision under
Staff Retirement Plan
Judgment No. 2001-2 (*Mr. "P" (No. 2)*), paras. 51-65.
and prerequisites for Intervention

Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), note 1.
 "beneficiary" under Staff Retirement Plan for purposes of
 Judgment No. 2001-2 (*Mr. "P" (No. 2)*), paras. 56-65.
 closely intertwined with jurisdiction *ratione materiae*
 Judgment No. 1999-1 (*Mr. "A"*), para. 51.
 compared with other international administrative tribunals
 Judgment No. 1999-1 (*Mr. "A"*), para. 48.
 Judgment No. 2001-1 (*Estate of Mr. "D"*), note 21.
 Judgment No. 2001-2 (*Mr. "P" (No. 2)*), note 28.
 exceptional circumstances justified waiver of statute of limitations where uncertainty as
 to
 Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 110-111.
 includes fixed-term appointees
 Judgment No. 1999-1 (*Mr. "A"*), note 11.
 intentionally excludes contractual employees
 Judgment No. 1999-1 (*Mr. "A"*), para. 47.
 interpretation of, where omission from express terms of Statute
 Judgment No. 2001-1 (*Estate of Mr. "D"*), paras. 62-63.
 Intervenor must be person subject to
 Judgment No. 2001-2 (*Mr. "P" (No. 2)*), paras. 51-65.
 Judgment No. 2002-3 (*Ms. "G"*), para. 25.
 no jurisdiction *ratione personae* over contractual employee alleging that he should
 have been member of the staff
 Judgment No. 1999-1 (*Mr. "A"*), para. 86.
 over challenge to legality of offer and acceptance of grade and salary
 Judgment No. 1996-1 (*Mr. M. D'Aoust*), para. 10.
 over matters preliminary to hiring of staff member
 Judgment No. 1996-1 (*Mr. M. D'Aoust*), para. 10.
 Judgment No. 1999-1 (*Mr. "A"*), para. 53.
 over non-staff members adversely affected by denial of SRP Section 11.3 request
 Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 104, 110 and note 1.
 over successor in interest to non-staff member enrollee in Fund benefit plan
 Judgment No. 2001-1 (*Estate of Mr. "D"*), paras. 58-63.
 predicated on language of letter of appointment
 Judgment No. 1999-1 (*Mr. "A"*), paras. 44-48.
 under Article II (1)(b) embodies limitation on jurisdiction *ratione materiae* in such cases
 Judgment No. 2001-2 (*Mr. "P" (No. 2)*), para. 64.

JURISDICTION *RATIONE TEMPORIS* OF THE IMFAT

denial of requests for exceptional application or amendment of rule pre-existing
 Tribunal's competence cannot confer jurisdiction
 Judgment No. 1995-1 (*Ms. "S"*), para. 21.
 financial consequences of administrative act pre-dating Tribunal's competence does
 not confer jurisdiction

Judgment No. 1994-1 (*Mr. "X"*), para. 26.
summary dismissal under Article XX
Judgment No. 1994-1 (*Mr. "X"*), Decision.
Judgment No. 1995-1 (*Ms. "S"*), Decision.
where reconsideration, reaffirmation, and amendment by Executive Board of earlier
policy took place after effective date of Statute
Judgment No. 2002-3 (*Ms. "G"*), paras. 63-72, 87.

LEGAL DEPARTMENT OF THE IMF

represents Fund before Tribunal
Judgment No. 1999-2 (*Mr. "V"*), paras. 121-124.

LEGISLATIVE HISTORY OF IMFAT STATUTE (*see* REPORT OF THE EXECUTIVE BOARD)

LETTER OF APPOINTMENT (*see also* CONTRACT OF EMPLOYMENT)

acceptance of offer of employment
Judgment No. 1996-1 (*Mr. M. D'Aoust*), paras. 11-13.
jurisdiction *ratione personae* only where letter of appointment provides that
Applicant will be "member of staff"
Judgment No. 1999-1 (*Mr. "A"*), paras. 46-48.
terms of
Judgment No. 1999-1 (*Mr. "A"*), paras. 9-10, 46.

MEDICAL ADVISOR (*see* ADMINISTRATION COMMITTEE OF STAFF RETIREMENT PLAN (SRP))

MEDICAL BENEFITS PLAN (MBP)

exceptional circumstances excused delay of review pursuant to GAO No. 31 of
decision arising under
Judgment No. 2001-1 (*Estate of Mr. "D"*), paras. 96-128.
jurisdiction for successor in interest to non-staff member enrollee to contest decision
arising under
Judgment No. 2001-1 (*Estate of Mr. "D"*), paras. 58-63.

MEDICAL SEPARATION (*see also* DISABILITY RETIREMENT)

cannot determine entitlement to disability pension, but factual circumstances surrounding
separation may be considered in reviewing soundness of disability retirement
decision
Judgment No. 2003-1 (*Ms. "J"*), paras. 146-147, 151.
Judgment No. 2003-2 (*Ms. "K"*), paras. 63-64.
claim of procedural unfairness in respect of held inadmissible where failure to undertake
administrative review and lack of material interest in challenging

Judgment No. 2003-1 (*Ms. "J"*), paras. 75-89.
Fund's regulations governing
 Judgment No. 2003-1 (*Ms. "J"*), paras. 23-27.
 Judgment No. 2003-2 (*Ms. "K"*), paras. 11-14.
intersecting nature of medical separation, Workers' Compensation, and disability
retirement claims
 Judgment No. 2003-1 (*Ms. "J"*), paras. 27, 30, 38, 70, 146-147, 151.

MEETING OF MINDS

doubt as to, and challenge to terms of contract
 Judgment No. 1996-1 (*Mr. M. D'Aoust*), paras. 13, 30.

"MEMBER OF THE STAFF" (*see also* JURISDICTION *RATIONE PERSONÆ* (ARTICLE II (1)))

allegation that Applicant was de facto member of the staff
 Judgment No. 1999-1 (*Mr. "A"*), paras. 48, 61.
and relationship to jurisdiction *ratione materiae*
 Judgment No. 1999-1 (*Mr. "A"*), para. 51.
distinguished from contractual employee
 Judgment No. 1999-1 (*Mr. "A"*), paras. 38-42.
if letter of appointment so provides
 Judgment No. 1999-1 (*Mr. "A"*), paras. 46, 48.
includes fixed-term appointees
 Judgment No. 1999-1 (*Mr. "A"*), note 11.
offer and acceptance of grade and salary affected Applicant as "member of the staff"
 Judgment No. 1996-1 (*Mr. M. D'Aoust*), para. 10.

MERITS

need not be examined to determine issue of jurisdiction; jurisprudence
 Judgment No. 1999-1 (*Mr. "A"*), paras. 60-86.

MISCONDUCT

termination for, is improper motive for abolition of position
 Judgment No. 2005-1 (*Mr. "F"*), para. 74.

MISLEADING

no deliberate misleading as to nature of job offered
 Judgment No. 1996-1 (*Mr. M. D'Aoust*), para. 28.
no deliberate misleading in negotiation of settlement and release agreement
 Judgment No. 1999-2 (*Mr. "V"*), para. 89.

MOOTNESS

Applications dismissed as moot where challenged “regulatory” decision superseded by subsequent decision

Judgment No. 2006-4 (*Baker et al.*) (*Dismissal of the Applications as Moot*), paras. 17-25.

of Application following reversal of challenged decision

Order No. 1999-2 (*Mr. “P”*) (*Mootness of Application*).

MUNICIPAL LAW (*see also* CHILD SUPPORT; CONFLICT OF LAWS)

no competence of Tribunal to pass upon validity of

Judgment No. 2001-2 (*Mr. “P” (No. 2)*), paras. 146-147.

N RULES OF THE IMF

N-1

Judgment No. 2002-3 (*Ms. “G”*), note 12.

Judgment No. 2006-6 (*Ms. “M” and Dr. “M”*), para. 153.

N-2

Judgment No. 2005-1 (*Mr. “F”*), para. 82 and note 15.

Judgment No. 2005-2 (*Ms. “W”*), note 11.

Judgment No. 2005-4 (*Ms. “Z”*), note 14.

Judgment No. 2006-6 (*Ms. “M” and Dr. “M”*), para. 126.

no violation of

Judgment No. 1999-2 (*Mr. “V”*), para. 99.

provide for staff’s right to associate

Judgment No. 1999-2 (*Mr. “V”*), para. 107.

staff members are subject to

Judgment No. 1999-1 (*Mr. “A”*), para. 41 and note 16.

NATIONAL ORIGIN (*see* DISCRIMINATION; DISCRIMINATION REVIEW EXERCISE (DRE))

NON-CONVERSION OF FIXED-TERM APPOINTMENT (*see* FIXED-TERM APPOINTMENT)

NOTICE (*see also* PROCEDURAL FAIRNESS; PROCEDURAL IRREGULARITY)

and criteria for “regulatory decision”

Judgment No. 1996-1 (*Mr. M. D’Aoust*), para. 37.

Judgment No. 2004-1 (*Mr. “R” (No. 2)*), paras. 48-49.

Applicant awarded compensation for Fund’s failure to provide reasonable notice of abolition of position

Judgment No. 2005-1 (*Mr. “F”*), paras. 102-106, 122 and Decision.

Applicant had knowledge at time of non-conversion of her appointment that she had been

“adversely affected” by “administrative act” of Fund
 Judgment No. 2006-5 (*Ms. “AA”*), para. 40.

as general rule, lack of individual notification of review procedures does not excuse failure to comply; but may be examined in evaluating plea of exceptional circumstances
 Judgment No. 2001-1 (*Estate of Mr. “D”*), paras. 120-121.
 Judgment No. 2006-5 (*Ms. “AA”*), para. 41 and note 12.
 Judgment No. 2006-6 (*Ms. “M” and Dr. “M”*), para. 107.

determination of when notice of administrative acts “adversely affecting” Applicant arose for purposes of timely initiation of administrative review
 Judgment No. 2006-1 (*Mr. “O”*), paras. 47-60.
 Judgment No. 2006-5 (*Ms. “AA”*), paras. 39-40.

element of due process
 Judgment No. 1997-1 (*Ms. “C”*), para. 37.

for giving effect to domestic relations orders under Staff Retirement Plan
 Judgment No. 2001-2 (*Mr. “P” (No. 2)*), paras. 143-156.

Fund on notice of Tribunal’s jurisprudence that Tribunal had jurisdiction *ratione personæ*; Fund obliged to inform Applicants of that recourse
 Judgment No. 2006-6 (*Ms. “M” and Dr. “M”*), para. 110.

general principle of law; jurisprudence
 Judgment No. 1997-2 (*Ms. “B”*), paras. 59-64.

IMFAT’s decision regarding lack of reasonable notice of abolition of position is subject of request for Interpretation of Judgment
 Order No. 2005-2 (*Mr. “F”*) (*Interpretation of Judgment No. 2005-1*).

in case of non-staff members challenging denial of SRP Section 11.3 request, in absence of notice by Fund of recourse to Tribunal, exceptional circumstances justify waiver of statute of limitations
 Judgment No. 2006-6 (*Ms. “M” and Dr. “M”*), para. 108.

lawful form for issuance of personnel policy
 Judgment No. 1997-2 (*Ms. “B”*), paras. 48-49, 53-64.

limited circulation of personnel policy did not adversely affect Applicant
 Judgment No. 1997-2 (*Ms. “B”*), paras. 53-64.

notice and hearing are essential principles of international administrative law
 Judgment No. 2001-2 (*Mr. “P” (No. 2)*), para. 152.
 Judgment No. 2005-1 (*Mr. “F”*), note 18.

notice of abolition of position should provide opportunity for staff member to set out any reasons to contest propriety or equity of decision
 Judgment No. 2005-1 (*Mr. “F”*), para. 106.

of administrative review procedures was incumbent on Fund in communicating with non-staff member successor in interest
 Judgment No. 2001-1 (*Estate of Mr. “D”*), para. 128.

of administrative review procedures was incumbent on Fund in communicating with non-staff members challenging denial of SRP Section 11.3 request
 Judgment No. 2006-6 (*Ms. “M” and Dr. “M”*), para. 111.

retiree given notice of Tribunal proceedings; knowingly relinquished opportunity to participate as Intervenor

Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 99.
room to question whether Applicant afforded sufficient and timely notice and
opportunity for rebuttal in disability retirement proceedings
Judgment No. 2003-1 (*Ms. "J"*), paras. 167-169.
Judgment No. 2003-2 (*Ms. "K"*), paras. 104-106.
significance of (in underlying proceedings) for giving effect to domestic relations orders
under Staff Retirement Plan
Judgment No. 2001-2 (*Mr. "P" (No. 2)*), paras. 143-156.
systemic reasons for notice under IMFAT Statute do not apply where "individual
decision" based on "regulatory decision" is challenged
Judgment No. 1997-2 (*Ms. "B"*), paras. 56-59.
that periodic adjustments might be made to personnel practice
Judgment No. 1997-2 (*Ms. "B"*), para. 60.
Tribunal invites Fund retiree meeting statutory prerequisites to participate as Intervenor
in interest of providing interested persons reasonable opportunity to be heard
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 14.

OMBUDSPERSON

Annual Report of
Judgment No. 1999-1 (*Mr. "A"*); note 12.
Judgment No. 2003-1 (*Ms. "J"*), para. 89.
request for production of report of, denied on basis of Terms of Reference
Judgment No. 2005-1 (*Mr. "F"*), para. 9.
Terms of Reference prevent being called as witness or required to provide information
in IMFAT proceedings
Judgment No. 2001-1 (*Estate of Mr. "D"*), paras. 112-115 and notes 27-28.
Judgment No. 2005-1 (*Mr. "F"*), para. 9 and note 6.

ORAL PROCEEDINGS

Applicant's request for, denied where issue raised by motion for summary dismissal is
decided in Respondent's favor, even accepting Applicant's factual assertion
Judgment No. 2006-5 (*Ms. "AA"*), paras. 16-18.
Applicant's request for, denied where written record (which included Applicant's
testimony in Grievance Committee's hearing on motion to dismiss) was sufficiently
clear
Judgment No. 2006-1 (*Mr. "O"*), paras. 11-13.
request for, denied
Judgment No. 1995-1 (*Ms. "S"*), para. 6.
Judgment No. 1998-1 (*Ms. "Y"*), para. 6.
Judgment No. 1999-1 (*Mr. "A"*), para. 7.
Judgment No. 1999-2 (*Mr. "V"*), para. 6.
Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), para. 10.

Judgment No. 2003-1 (*Ms. "J"*), paras. 12-14.

ORGANIZATION OF AMERICAN STATES ADMINISTRATIVE TRIBUNAL (OASAT) JURISPRUDENCE

Gutiérrez v. Secretary General of the Organization of American States, OASAT
Judgment No. 118 (1992)

Judgment No. 1997-2 (*Ms. "B"*), paras. 62-63.

Kouyoumdjian v. Secretary General of the Organization of American States, OASAT
Judgment No. 94 (1986)

Judgment No. 1997-2 (*Ms. "B"*), para. 48.

*Pando v. Director General of the Inter-American Institute for Cooperation on
Agriculture*, OASAT Judgment No. 117 (1992)

Judgment No. 1997-2 (*Ms. "B"*), para. 48.

ORGANIZATION OF AMERICAN STATES ADMINISTRATIVE TRIBUNAL (OASAT) STATUTE AND RULES OF PROCEDURE

exceptional circumstances in respect of admissibility of Application

Judgment No. 2001-1 (*Estate of Mr. "D"*), note 26.

Intervention

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), note 17.

jurisdiction *ratione personæ*

Judgment No. 2001-1 (*Estate of Mr. "D"*), note 21.

OVERSEAS STAFF (*see also* RESIDENT REPRESENTATIVE)

differing treatment of residential security costs incurred directly (v. indirectly) by
overseas staff member is inconsistent with principle of equal treatment

Judgment No. 2004-1 (*Mr. "R" (No. 2)*), paras. 51-52.

no abuse of discretion in refusal to grant exception to policy of allocating differing
benefits to different categories of staff posted abroad, where differences in standing,
representational responsibilities, and recruitment

Judgment No. 2002-1 (*Mr. "R"*), paras. 56-57, 60-65.

PART-TIME EMPLOYMENT

and pensionable service; allegation of gender discrimination (dismissed on
jurisdictional grounds)

Judgment No. 1995-1 (*Ms. "S"*), para. 10.

PENSION PLAN (*see* STAFF RETIREMENT PLAN (SRP))

PERFORMANCE (*see also* ANNUAL PERFORMANCE REPORTS (APRs))

“cleansing” of performance record not required by settlement and release agreement
Judgment No. 1999-2 (*Mr. “V”*), paras. 72-77.

consideration in concluding agreement to reappoint Applicant following service with
Executive Board for term of limited duration
Judgment No. 2006-1 (*Mr. “O”*), para. 94.

due process requirements in evaluation of
Judgment No. 1997-1 (*Ms. “C”*), paras. 36-43.

importance of fair assessment of in taking decision on conversion of fixed-term
appointment
Judgment No. 2006-2 (*Ms. “T”*), para. 46.
Judgment No. 2006-3 (*Ms. “U”*), para. 47.

interpersonal skills; may lawfully be taken into account in evaluation of
Judgment No. 1997-1 (*Ms. “C”*), paras. 35-36.

performance problems and use of Separation Benefits Fund
Judgment No. 1999-2 (*Mr. “V”*), para. 21.

performance standards for conversion of fixed-term appointment contrasted with
separation for unsatisfactory performance
Judgment No. 2006-2 (*Ms. “T”*), para. 37 and note 11.
Judgment No. 2006-3 (*Ms. “U”*), para. 37 and note 13.

standard of IMFAT’s review of “performance-based” decisions
Judgment No. 2006-2 (*Ms. “T”*), para. 36.
Judgment No. 2006-3 (*Ms. “U”*), para. 36.

termination for unsatisfactory performance is improper motive for abolition of
position
Judgment No. 2005-1 (*Mr. “F”*), paras. 71-72, 74, 78.

unsatisfactory; as basis for non-conversion of fixed-term appointment
Judgment No. 1997-1 (*Ms. “C”*), para. 2.

PERFORMANCE RATING (*see also* ANNUAL PERFORMANCE REPORTS (APRS))

removal of from personnel data base, as term of settlement and release
agreement
Judgment No. 1999-2 (*Mr. “V”*), paras. 10, 57-63.

PERSONNEL DATA BASE

removal of performance rating from, as term of settlement and release agreement
Judgment No. 1999-2 (*Mr. “V”*), paras. 10, 57-63.

PERSONNEL POLICY (*see also* GENERAL ADMINISTRATIVE ORDERS (GAOs); PERSONNEL PRACTICE; “REGULATORY DECISION”; STAFF BULLETINS)

authority and lawful form for issuance of
Judgment No. 1997-2 (*Ms. “B”*), paras. 40-49.
distinguished from unpublished practice

Judgment No. 1997-2 (*Ms. "B"*), para. 60.
effective date
Judgment No. 1997-2 (*Ms. "B"*), paras. 52, 56.
limited circulation did not adversely affect Applicant
Judgment No. 1997-2 (*Ms. "B"*), para. 64.
notice that periodic adjustment might be made
Judgment No. 1997-2 (*Ms. "B"*), para. 60.
Tribunal competent to rule on application of policy as "individual decision" even if
lacks jurisdiction to pass upon policy as "regulatory decision"
Judgment No. 1996-1 (*Mr. M. D'Aoust*), para. 35.
Judgment No. 2004-1 (*Mr. "R" (No. 2)*), para. 51.

PERSONNEL PRACTICE

codification of personnel practice as policy
Judgment No. 1997-2 (*Ms. "B"*), para. 60.
unpublished personnel practice known to small number of officials is not "regulatory
decision"
Judgment No. 1996-1 (*Mr. M. D'Aoust*), paras. 31, 33-35.
Judgment No. 1997-2 (*Ms. "B"*), para. 60.

PLEADINGS

additional pleading, request to file denied
Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), para. 8.
additional pleading, request to file granted
Judgment No. 1995-1 (*Ms. "S"*), para. 4.
Judgment No. 1999-2 (*Mr. "V"*), para. 7.
Judgment No. 2001-1 (*Estate of Mr. "D"*), para. 10.
Judgment No. 2001-2 (*Mr. "P" (No. 2)*), para. 9.
Judgment No. 2005-4 (*Ms. "Z"*), para. 9.
additional pleadings, requests to file need not be transmitted by Tribunal to other
party for response
Judgment No. 1999-2 (*Mr. "V"*), para. 7.
additional statements requested of parties by Tribunal
Judgment No. 2001-1 (*Estate of Mr. "D"*), para. 13.
Judgment No. 2001-2 (*Mr. "P" (No. 2)*), para. 10.
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 18.
amendment, correction, or supplementation of
Judgment No. 1994-1 (*Mr. "X"*), para. 2.
Judgment No. 1997-1 (*Ms. "C"*), para. 3.
Judgment No. 1997-2 (*Ms. "B"*), para. 5.
Judgment No. 1999-2 (*Mr. "V"*), para. 4.
Judgment No. 2001-1 (*Estate of Mr. "D"*), paras. 6, 8.
Judgment No. 2001-2 (*Mr. "P" (No. 2)*), paras. 4, 6.

- Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), para. 6.
- Judgment No. 2002-3 (*Ms. "G"*), note 4.
- Judgment No. 2003-1 (*Ms. "J"*), para. 5.
- Judgment No. 2003-2 (*Ms. "K"*), para. 4.
- Judgment No. 2005-1 (*Mr. "F"*), para. 5.
- Judgment No. 2005-2 (*Ms. "W"*), para. 5.
- Judgment No. 2005-4 (*Ms. "Z"*), para. 5.
- Judgment No. 2006-1 (*Mr. "O"*), para. 4.
- Judgment No. 2006-4 (*Baker et al.*) (*Dismissal of the Applications as Moot*), paras. 6-7.
- Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 10.
- calculation of time limits
 - Judgment No. 1999-2 (*Mr. "V"*), note 2.
- calculation of time for filing Answer following denial of motion for summary dismissal
 - Judgment No. 2006-4 (*Baker et al.*) (*Dismissal of the Applications as Moot*), note 2.
- extension of time to file or amend
 - Judgment No. 1994-1 (*Mr. "X"*), para. 2.
 - Judgment No. 1997-1 (*Ms. "C"*), para. 3.
 - Judgment No. 1997-2 (*Ms. "B"*), para. 5.
 - Judgment No. 1998-1 (*Ms. "Y"*), para. 4.
 - Judgment No. 1999-2 (*Mr. "V"*), para. 4 and note 3.
 - Judgment No. 2001-1 (*Estate of Mr. "D"*), note 3.
 - Judgment No. 2006-4 (*Baker et al.*) (*Dismissal of the Applications as Moot*), note 3.
- extension of time to file Reply following production of documents
 - Judgment No. 2003-1 (*Ms. "J"*), para. 7.
- filing of motion for dismissal of Applications as moot did not demonstrate bad faith
 - Judgment No. 2006-4 (*Baker et al.*) (*Dismissal of the Applications as Moot*), paras. 13-15.
- filing of motion for dismissal of Applications as moot suspends pleadings on merits
 - Judgment No. 2006-4 (*Baker et al.*) (*Dismissal of the Applications as Moot*), paras. 5, 8.
- modification of schedule to accommodate Intervention
 - Judgment No. 2001-2 (*Mr. "P" (No. 2)*), paras. 6-10, 67-68.
 - Judgment No. 2002-3 (*Ms. "G"*), paras. 4-8.
- modification of schedule to accommodate *Amicus Curia*
 - Judgment No. 2003-1 (*Ms. "J"*), paras. 16-19.
- opened to *Amicus Curia* with Applicant's consent, over Fund's objection
 - Judgment No. 2003-1 (*Ms. "J"*), paras. 17-18.
- single Answer invited by Tribunal where identical Applications filed by multiple Applicants
 - Judgment No. 2005-3 (*Baker et al.*) (*Admissibility of the Applications*), para. 5.
- to resume following denial of motion for summary dismissal
 - Judgment No. 2001-1 (*Estate of Mr. "D"*), para. 136.

Judgment No. 2005-3 (*Baker et al.*) (*Admissibility of the Applications*), para. 24.
transmittal of, to potential Intervenor

Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 15.
transmittal of, to Intervenor

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), para. 7.

Judgment No. 2002-3 (*Ms. "G"*), para. 7.

withdrawal of Application

Order No. 2001-1 (*Estate of Mr. "D"*) (*Withdrawal of Application*)

PRETEXT (*see* IMPROPER MOTIVE)

PRIVACY (*see also* ANONYMITY; CONFIDENTIALITY; INFORMATION SECURITY)

IMFAT's Decision on the protection of privacy and method of publication (1997)

Judgment No. 2002-1 (*Mr. "R"*), note 1.

Judgment No. 2006-1 (*Mr. "O"*), note 7.

Judgment No. 2006-2 (*Ms. "T"*), note 4.

Judgment No. 2006-3 (*Ms. "U"*), note 4.

IMFAT's Revised Decision on the protection of privacy and method of publication
(2006)

Judgment No. 2006-5 (*Ms. "AA"*), para. 10 and note 7.

protection of in IMFAT Judgments shall not prejudice their comprehensibility

Judgment No. 1997-2 (*Ms. "B"*), note 1.

Judgment No. 1999-1 (*Mr. "A"*), note 6.

Judgment No. 2002-1 (*Mr. "R"*), note 1.

Judgment No. 2005-1 (*Mr. "F"*), note 9.

Judgment No. 2005-2 (*Ms. "W"*), note 10.

Judgment No. 2005-4 (*Ms. "Z"*), note 12.

PROCEDURAL FAIRNESS (*see also* DISCRIMINATION REVIEW EXERCISE (DRE); GRIEVANCE
COMMITTEE; NOTICE)

Applicant's stake in outcome of disability retirement decision deserves high level of
procedural protection

Judgment No. 2003-1 (*Ms. "J"*), para. 162.

Judgment No. 2003-2 (*Ms. "K"*), para. 100.

fluctuation in performance assessment does not indicate procedural irregularity

Judgment No. 2006-3 (*Ms. "U"*), para. 40 and note 14.

Fund failed to follow fair and reasonable procedures as to notice of abolition of position

Judgment No. 2005-1 (*Mr. "F"*), paras. 102-106.

no procedural irregularity in non-conversion of fixed-term appointment

Judgment No. 2006-2 (*Ms. "T"*), paras. 42-45, 52.

Judgment No. 2006-3 (*Ms. "U"*), paras. 40-49.

required elements of, in taking decision on conversion of fixed-term appointment

Judgment No. 2006-2 (*Ms. "T"*), para. 38.

Judgment No. 2006-3 (*Ms. "U"*), para. 38.
review for procedural irregularity is element of standard of review for disability retirement decisions; however, no need to pass upon, nor grant remedy for, where decision rescinded on substantive grounds
Judgment No. 2003-1 (*Ms. "J"*), paras. 128, 158, 171, 180 and Decision.
Judgment No. 2003-2 (*Ms. "K"*), paras. 54, 96, 108, 117 and Decision.
room to question whether SRP Administration Committee afforded Applicant sufficient and timely notice and opportunity for rebuttal
Judgment No. 2003-1 (*Ms. "J"*), paras. 167-169.
Judgment No. 2003-2 (*Ms. "K"*), paras. 104-106.
Tribunal's suggested procedural points for SRP Administration Committee's consideration
Judgment No. 2003-1 (*Ms. "J"*), paras. 172-176.
Judgment No. 2003-2 (*Ms. "K"*), paras. 109-113.

PROCEDURAL IRREGULARITY

exercise of discretion in setting grade and salary not invalidated by procedures used
Judgment No. 1996-1 (*Mr. M. D'Aoust*), para. 30.
in decision not to convert fixed-term appointment gives rise to compensable claim
Judgment No. 1997-1 (*Ms. "C"*), paras. 41-44.
irrelevant where complainant's legal position improves thereby
Judgment No. 1997-2 (*Ms. "B"*), paras. 61-64.
irrelevant where no effect on complainant's decision or interests; jurisprudence
Judgment No. 1996-1 (*Mr. M. D'Aoust*), paras. 23-24.

PRODUCTION OF DOCUMENTS AND INFORMATION

Applicant's request for, amended in response to motion for summary dismissal
Judgment No. 2001-1 (*Estate of Mr. "D"*), para. 8.
Applicant's request for, denied
Judgment No. 2001-1 (*Estate of Mr. "D"*), para. 11 and notes 11-12.
Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), para. 9.
Judgment No. 2005-1 (*Mr. "F"*), paras. 8-15.
Applicant's request for, denied; requested items clearly irrelevant to jurisdictional aspects of case
Judgment No. 1998-1 (*Ms. "Y"*), para. 5.
Judgment No. 1999-2 (*Mr. "V"*), para. 7 and note 12.
Applicant's request for, denied where disclosure would not be of probative value in light of entire record available
Judgment No. 2005-2 (*Ms. "W"*), para. 13.
Applicant's request for, denied where failure to show denial by Fund of access to documents
Judgment No. 2005-1 (*Mr. "F"*), para. 9.
Judgment No. 2005-2 (*Ms. "W"*), para. 14.

Judgment No. 2006-2 (*Ms. "T"*), para. 7.
 Judgment No. 2006-3 (*Ms. "U"*), para. 7.
 Applicant's request for, denied where requested documents or information not relevant to issues of case
 Judgment No. 2005-2 (*Ms. "W"*), paras. 26, 29.
 Judgment No. 2006-1 (*Mr. "O"*), paras. 8-10.
 Judgment No. 2006-2 (*Ms. "T"*), para. 8.
 Judgment No. 2006-3 (*Ms. "U"*), para. 8.
 Applicant's request for, granted
 Judgment No. 2003-1 (*Ms. "J"*), paras. 10-11.
 documents redacted to protect privacy of other persons
 Judgment No. 2005-1 (*Mr. "F"*), para. 12.
 Fund's objection that disclosure would infringe privacy of individuals not sustainable where Fund had taken inconsistent approach to disclosure of identities of persons at issue
 Judgment No. 2005-2 (*Ms. "W"*), para. 13.
in camera review to decide disposition of request
 Judgment No. 2005-1 (*Mr. "F"*), paras. 10, 15.
 Ombudsperson's report protected from disclosure
 Judgment No. 2005-1 (*Mr. "F"*), para. 9.
 relationship to Grievance Committee proceedings
 Judgment No. 2005-1 (*Mr. "F"*), paras. 9, 11-13 and note 5.
 report flowing from request for administrative review protected where no probative value to Applicant
 Judgment No. 2005-1 (*Mr. "F"*), paras. 13-15.
 requested by Tribunal
 Judgment No. 1995-1 (*Ms. "S"*), para. 15.
 Judgment No. 2001-1 (*Estate of Mr. "D"*), paras. 12, 76-78 and note 13.
 Judgment No. 2001-2 (*Mr. "P" (No. 2)*), para. 8.
 Judgment No. 2005-4 (*Ms. "Z"*), para. 6.
 Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 16-17, 19 and notes 13-14, 16.
 Rule XVII provides broad standard for production of documents and other evidence
 Judgment No. 2003-1 (*Ms. "J"*), para. 10.
 significance of IMFAT's authority to order where record incomplete
 Judgment No. 2001-1 (*Estate of Mr. "D"*), para. 135.

PROMOTION

authority of Staff Development Division to reject departmental request for and to monitor conformity of promotions with Fund rules
 Judgment No. 1997-2 (*Ms. "B"*), para. 80.
 authority to codify practice liberalizing restraints on
 Judgment No. 1997-2 (*Ms. "B"*), para. 45.
 fact of non-advancement is not of itself proof of discrimination

Judgment No. 2005-2 (*Ms. "W"*), paras. 98, 129.
Judgment No. 2005-4 (*Ms. "Z"*), para. 109.
Judgment No. 2006-1 (*Mr. "O"*), para. 100.
not normally made before conversion to regular staff
Judgment No. 1996-1 (*Mr. M. D'Aoust*), para. 13.
Judgment No. 1997-1 (*Ms. "C"*), para. 34.
“underfilling” where candidate does not meet time-in grade requirements or other job qualifications
Judgment No. 1997-2 (*Ms. "B"*), paras. 34-35, 69-70, 77.

PSYCHIATRIC ILLNESS

mental and physical incapacity treated identically by SRP for purposes of eligibility for disability retirement
Judgment No. 2003-1 (*Ms. "J"*), para. 153.
rescission of decision denying disability retirement where intermittently disabling condition had pervasive effect on ability to maintain position
Judgment No. 2003-2 (*Ms. "K"*), paras. 55-95, 116.

RACE (*see* DISCRIMINATION)

RATIONAL NEXUS

and nondiscrimination; classification scheme for allocation of differing benefits to different categories of staff was reasonably related to purposes of the benefits
Judgment No. 2002-1 (*Mr. "R"*), para. 64.
Judgment No. 2002-3 (*Ms. "G"*), paras. 79-80.
does not require perfect fit between objectives of policy and classification scheme established
Judgment No. 2002-3 (*Ms. "G"*), para. 79.

REASSIGNMENT

no compensation awarded where fault borne both by Applicant and Fund in failing to pursue energetically reassignment possibilities following abolition of position
Judgment No. 2005-1 (*Mr. "F"*), para. 117.
required efforts at, following abolition of position, are to be genuine, serious and proactive
Judgment No. 2005-1 (*Mr. "F"*), paras. 107-117.

RECRUITMENT

differing recruitment requirements for different categories of staff provide nondiscriminatory reason for allocation of differing benefits

Judgment No. 2002-1 (*Mr. "R"*), para. 64.
irregularities alleged in
Judgment No. 1996-1 (*Mr. M. D'Aoust*), para. 21.

REDUNDANCY (*see* ABOLITION OF POSITION)

“REGULATORY DECISION” (ARTICLE II) (*see also* STANDARD OF IMFAT’S REVIEW)

“adversely affecting” requirement of Article II met in case of direct challenge to
Judgment No. 2005-3 (*Baker et al.*) (*Admissibility of the Applications*), paras. 16-23.

Applications dismissed as moot where challenged “regulatory” decision superseded by subsequent decision

Judgment No. 2006-4 (*Baker et al.*) (*Dismissal of the Applications as Moot*), paras. 17-25.

Applicant may not challenge unless “adversely affected” thereby

Judgment No. 1999-2 (*Mr. "V"*), para. 130.

care with which provision studied may be taken into account in giving deference to

Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 131.

criteria for

Judgment No. 1997-2 (*Ms. "B"*), paras. 39-49.

Judgment No. 2004-1 (*Mr. "R" (No. 2)*), paras. 48-49.

effective date not significant where Applicant also challenges “individual decision” based thereon

Judgment No. 1997-2 (*Ms. "B"*), paras. 57-59.

high degree of deference to Fund’s policymaking

Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), para. 46.

in case raising challenge to, exceptional circumstances found for waiver of statute of limitations

Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 110.

must be announced

Judgment No. 1996-1 (*Mr. M. D'Aoust*), para. 37.

no channels of administrative review to exhaust where challenged directly; rationale for
Judgment No. 2005-3 (*Baker et al.*) (*Admissibility of the Applications*), paras. 13, 22.

“regulatory” and “individual” decisions may be analytically indistinguishable where decision is to deny exception to general policy

Judgment No. 2002-1 (*Mr. "R"*), paras. 25, 61.

Judgment No. 2002-3 (*Ms. "G"*), para. 73.

Tribunal competent to rule on application of policy as “individual decision” even if lacks jurisdiction to pass on policy as “regulatory decision”

Judgment No. 1996-1 (*Mr. M. D'Aoust*), para. 35.

Judgment No. 2004-1 (*Mr. "R" (No. 2)*), para. 51.

Tribunal’s deference at height in reviewing, especially decisions of Executive Board

Judgment No. 2003-1 (*Ms. "J"*), para. 105.

Judgment No. 2003-2 (*Ms. "K"*), para. 43.
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 116.
Tribunal's jurisdiction to review, contrasted with jurisdiction of Grievance Committee
Judgment No. 2002-1 (*Mr. "R"*), para. 17.
Judgment No. 2002-3 (*Ms. "G"*), para. 20.
unpublished practice known to small number of officials is not "regulatory decision"
Judgment No. 1996-1 (*Mr. M. D'Aoust*), paras. 31, 33-35.

RELIGION (*see* DISCRIMINATION; HARASSMENT; HOSTILE WORK ENVIRONMENT; HUMAN RIGHTS)

REMEDIES (*see also* COSTS TO APPLICANT (ARTICLE XIV))

compensation awarded for Fund's failure to provide reasonable notice to Applicant of abolition of position

Judgment No. 2005-1 (*Mr. "F"*), paras. 121-122 and Decision.

compensation awarded for Fund's failure to take effective measures in response to religious intolerance and workplace harassment of which Applicant was object

Judgment No. 2005-1 (*Mr. "F"*), paras. 121-122 and Decision.

compensation awarded for procedural irregularity while legality of non-conversion of fixed-term appointment sustained; jurisprudence

Judgment No. 1997-1 (*Ms. "C"*), para. 44.

Fund to give effect to child support orders pursuant to Staff Retirement Plan provision

Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), Decision.

relief may be awarded for intangible injury, such as procedural irregularity, in reaching otherwise sustainable decision

Judgment No. 2005-1 (*Mr. "F"*), paras. 120-121.

rescission of decision denying disability retirement; order that disability pension be granted

Judgment No. 2003-1 (*Ms. "J"*), para. 179 and Decision.

Judgment No. 2003-2 (*Ms. "K"*), para. 116 and Decision.

rescission of decision denying payment of security costs indirectly incurred;

reimbursement of, according to most reasonable approximation afforded by the record

Judgment No. 2004-1 (*Mr. "R" (No. 2)*), paras. 53-54 and Decision.

rescission of decision to escrow disputed portion of pension payment; Tribunal orders division of marital property pursuant to divorce judgment be given effect under Staff Retirement Plan

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), paras. 145, 156 and Decision.

significance of remedial authority of IMFAT to resolve underlying dispute between parties

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), paras. 122-124.

REORGANIZATION/RESTRUCTURING (*see* ABOLITION OF POSITION)

REPETITIVE USE INJURY

rescission of decision denying disability retirement where injury prevented verbatim reporter from performing specialized function and no reasonable prospect of being asked to perform positions with the Fund
Judgment No. 2003-1 (*Ms. "J"*), paras. 129-157, 179.

REPORT OF THE EXECUTIVE BOARD TO THE BOARD OF GOVERNORS ON THE ESTABLISHMENT OF AN ADMINISTRATIVE TRIBUNAL FOR THE INTERNATIONAL MONETARY FUND

as source of law in determining appropriate standard of review
Judgment No. 2003-1 (*Ms. "J"*), paras. 102-107.

cited in

Judgment No. 1995-1 (*Ms. "S"*), para. 22.
Judgment No. 1996-1 (*Mr. M. D'Aoust*), paras. 33, 37.
Judgment No. 1997-2 (*Ms. "B"*), paras. 37, 56, 58.
Judgment No. 1998-1 (*Ms. "Y"*), paras. 26, 34.
Judgment No. 1999-1 (*Mr. "A"*), paras. 47, 50, 52, 56-59, 86, 92.
Judgment No. 1999-2 (*Mr. "V"*), paras. 111, 122, 138.
Judgment No. 2001-1 (*Estate of Mr. "D"*), paras. 59-60, 66, 101 and note 30.
Judgment No. 2001-2 (*Mr. "P" (No. 2)*), paras. 57, 152 and notes 45-47.
Judgment No. 2002-1 (*Mr. "R"*), paras. 22, 34.
Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), paras. 46, 53, 64.
Judgment No. 2002-3 (*Ms. "G"*), paras. 61, 76.
Judgment No. 2003-1 (*Ms. "J"*), paras. 82, 94, 102-106, 159 and note 27.
Judgment No. 2003-2 (*Ms. "K"*), paras. 42-43, 97.
Judgment No. 2005-1 (*Mr. "F"*), paras. 49, 70.
Judgment No. 2005-2 (*Ms. "W"*), paras. 68, 116.
Judgment No. 2005-3 (*Baker et al.*) (*Admissibility of the Applications*), para. 22.
Judgment No. 2005-4 (*Ms. "Z"*), para. 51.
Order No. 2005-2 (*Mr. "F"*) (*Interpretation of Judgment No. 2005-1*), paras. 5, 16.
Judgment No. 2006-2 (*Ms. "T"*), para. 36.
Judgment No. 2006-3 (*Ms. "U"*), para. 36.
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 102, 116, 123, 127.

RES JUDICATA (*see also* JUDGMENTS, FINALITY OF)

applicable to IMFAT Judgments

Judgment No. 2004-1 (*Mr. "R" (No. 2)*), paras. 25-26.

claim not debarred by, where new Application has different purpose and foundation in law, which was not addressed by Tribunal's Judgment on Applicant's earlier claim

Judgment No. 2004-1 (*Mr. "R" (No. 2)*), paras. 24-44.

rationale and requirements for

Judgment No. 2004-1 (*Mr. "R" (No. 2)*), paras. 25-28.

RESIDENT REPRESENTATIVE

Applicant's assignment as, did not excuse delay in initiating administrative review
Judgment No. 2006-1 (*Mr. "O"*), paras. 68-70.
no abuse of discretion in denying exception to policy allocating differing benefits to
Resident Representatives and overseas Office Directors, where differences in
standing, representational responsibilities, and recruitment
Judgment No. 2002-1 (*Mr. "R"*), paras. 56-57, 60-65.

RESIGNATION

timing of and period of pensionable service
Judgment No. 1994-1 (*Mr. "X"*), paras. 23-24.

RETALIATION OR REPRISAL

claim of, rejected
Judgment No. 1997-1 (*Ms. "C"*), paras. 28, 41.
sustainability of good faith accusation of harassment not pre-condition for finding of
reprisal
Judgment No. 1997-1 (*Ms. "C"*), para. 22.

RETIREMENT AGREEMENT (*see* SETTLEMENT AND RELEASE AGREEMENT)

RULES AND REGULATIONS OF IMF (*see* N RULES OF IMF)

supplement Articles of Agreement and By-Laws of Fund
Judgment No. 2005-1 (*Mr. "F"*), note 15.

RULES OF PROCEDURE OF THE IMFAT (1994)

Rule VII (1)

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), para. 4.
Judgment No. 2003-1 (*Ms. "J"*), para. 5 and note 1.
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), note 1.

Rule VII (2)

Judgment No. 1994-1 (*Mr. "X"*), note 2.
Judgment No. 2001-2 (*Mr. "P" (No. 2)*), para. 4.
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 10 and note 4.

Rule VII (3)

Judgment No. 1994-1 (*Mr. "X"*), note 2.
Judgment No. 1999-2 (*Mr. "V"*), note 1.
Judgment No. 2001-2 (*Mr. "P" (No. 2)*), paras. 4, 6.
Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), para. 6.
Judgment No. 2003-1 (*Ms. "J"*), para. 5 and note 1.

Judgment No. 2003-2 (*Ms. "K"*), para. 4 and note 1.
Judgment No. 2004-1 (*Mr. "R" (No. 2)*), para. 5 and note 1.
Judgment No. 2005-1 (*Mr. "F"*), para. 5 and note 1.
Judgment No. 2005-2 (*Ms. "W"*), para. 5 and note 1.
Judgment No. 2005-4 (*Ms. "Z"*), para. 5 and note 2.
Judgment No. 2006-1 (*Mr. "O"*), para. 4 and note 1.

Rule VII (6)

Judgment No. 1994-1 (*Mr. "X"*), note 3.
Judgment No. 1997-2 (*Ms. "B"*), para. 5.
Judgment No. 1999-2 (*Mr. "V"*), note 1.
Judgment No. 2001-1 (*Estate of Mr. "D"*), para. 6.
Judgment No. 2001-2 (*Mr. "P" (No. 2)*), para. 4.
Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), para. 6.
Judgment No. 2003-1 (*Ms. "J"*), para. 5 and note 1.
Judgment No. 2003-2 (*Ms. "K"*), para. 4 and note 1.
Judgment No. 2004-1 (*Mr. "R" (No. 2)*), para. 5 and note 1.
Judgment No. 2005-1 (*Mr. "F"*), para. 5 and note 1.
Judgment No. 2005-2 (*Ms. "W"*), para. 5 and note 1.
Judgment No. 2005-4 (*Ms. "Z"*), para. 5 and note 2.
Judgment No. 2006-1 (*Mr. "O"*), para. 4 and note 1.
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 10 and note 4.

Rule VII (7)

Judgment No. 1999-2 (*Mr. "V"*), para. 123.

Rule VIII (1)

Judgment No. 2002-3 (*Ms. "G"*), note 4.

Rule IX

Judgment No. 1999-2 (*Mr. "V"*), note 3.

Rule IX (1)

Judgment No. 2003-1 (*Ms. "J"*), para. 7 and note 3.

Rule XI

Judgment No. 1999-2 (*Mr. "V"*), para. 7 and note 6.
Judgment No. 2001-1 (*Estate of Mr. "D"*), para. 10.
Judgment No. 2001-2 (*Mr. "P" (No. 2)*), paras. 9-10 and note 32.
Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), para. 8.
Judgment No. 2005-4 (*Ms. "Z"*), para. 9 and note 6.
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 18 and note 15.

Rule XII

Judgment No. 2001-1 (*Estate of Mr. "D"*), para. 6.

Rule XII (2)

Judgment No. 1994-1 (*Mr. "X"*), para. 6.
Judgment No. 1998-1 (*Ms. "Y"*), para. 3.
Judgment No. 2001-1 (*Estate of Mr. "D"*), note 3.

Rule XII (3)

Judgment No. 2001-1 (*Estate of Mr. "D"*), paras. 6-7.

Rule XII (5)

- Judgment No. 1999-1 (*Mr. "A"*), para. 5 and note 2.
- Rule XII (8)
- Judgment No. 1995-1 (*Ms. "S"*), para. 4.
- Rule XIII
- Judgment No. 1995-1 (*Ms. "S"*), para. 6.
- Judgment No. 1998-1 (*Ms. "Y"*), para. 6.
- Judgment No. 1999-1 (*Mr. "A"*), para. 7.
- Judgment No. 1999-2 (*Mr. "V"*), para. 6.
- Judgment No. 2001-1 (*Estate of Mr. "D"*), note 14.
- Judgment No. 2002-1 (*Mr. "R"*), note 4.
- Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), para. 10.
- Judgment No. 2002-3 (*Ms. "G"*), note 5.
- Rule XIII (1)
- Judgment No. 2003-1 (*Ms. "J"*), para. 14.
- Judgment No. 2003-2 (*Ms. "K"*), para. 7.
- Judgment No. 2004-1 (*Mr. "R" (No. 2)*), note 3.
- Judgment No. 2005-1 (*Mr. "F"*), note 3.
- Judgment No. 2005-2 (*Ms. "W"*), note 3.
- Judgment No. 2005-4 (*Ms. "Z"*), para. 120 and note 5.
- Judgment No. 2006-1 (*Mr. "O"*), paras. 12-13 and note 6.
- Judgment No. 2006-2 (*Ms. "T"*), note 3.
- Judgment No. 2006-3 (*Ms. "U"*), note 3.
- Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), note 17.
- Rule XIV
- Judgment No. 2001-2 (*Mr. "P" (No. 2)*), paras. 6-7, 48-49, 66-68.
- Judgment No. 2002-3 (*Ms. "G"*), paras. 4, 24.
- Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 12 and note 7.
- Rule XIV (1)
- Judgment No. 1999-2 (*Mr. "V"*), note 10.
- Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), note 1.
- Rule XIV (4)
- Judgment No. 1999-1 (*Mr. "A"*), para. 4.
- Judgment No. 2001-1 (*Estate of Mr. "D"*), para. 5.
- Judgment No. 2001-2 (*Mr. "P" (No. 2)*), para. 5.
- Judgment No. 2002-1 (*Mr. "R"*), para. 3.
- Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), para. 7.
- Judgment No. 2002-3 (*Ms. "G"*), para. 3.
- Judgment No. 2003-1 (*Ms. "J"*), paras. 6, 19 and note 2.
- Judgment No. 2003-2 (*Ms. "K"*), para. 5 and note 2.
- Judgment No. 2004-1 (*Mr. "R" (No. 2)*), para. 6 and note 2.
- Judgment No. 2005-1 (*Mr. "F"*), para. 6 and note 2.
- Judgment No. 2005-2 (*Ms. "W"*), para. 6 and note 2.
- Judgment No. 2005-4 (*Ms. "Z"*), para. 6 and note 3.
- Judgment No. 2006-1 (*Mr. "O"*), para. 5 and note 2.
- Judgment No. 2006-2 (*Ms. "T"*), para. 4 and note 1.

Judgment No. 2006-3 (*Ms. "U"*), para. 4 and note 1.

Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 11, 14 and note 5.

Rule XV

Judgment No. 1999-2 (*Mr. "V"*), note 10.

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), note 19.

Judgment No. 2003-1 (*Ms. "J"*), paras. 15-16, 18.

Rule XVI

Judgment No. 1999-2 (*Mr. "V"*), note 2.

Rule XVII

Judgment No. 2001-1 (*Estate of Mr. "D"*), paras. 8, 11-12, 135 and note 12.

Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), para. 9.

Judgment No. 2003-1 (*Ms. "J"*), paras. 10-11 and note 5.

Judgment No. 2005-1 (*Mr. "F"*), paras. 8-15 and note 4.

Judgment No. 2005-2 (*Ms. "W"*), paras. 8-29 and note 4.

Judgment No. 2005-4 (*Ms. "Z"*), para. 120.

Judgment No. 2006-1 (*Mr. "O"*), para. 7 and note 4.

Judgment No. 2006-2 (*Ms. "T"*), paras. 6-8 and note 5.

Judgment No. 2006-3 (*Ms. "U"*), paras. 6-8 and note 5.

Rule XVII (1)

Judgment No. 2001-1 (*Estate of Mr. "D"*), note 12.

Rule XVII (2)

Judgment No. 1999-2 (*Mr. "V"*), note 8.

Rule XVII (3)

Judgment No. 1995-1 (*Ms. "S"*), para. 15.

Judgment No. 2001-1 (*Estate of Mr. "D"*), para 12.

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), para. 8.

Judgment No. 2005-4 (*Ms. "Z"*), para. 6 and note 4.

Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 16 and note 12.

Rule XVII (4)

Judgment No. 1998-1 (*Ms. "Y"*), para. 5.

Judgment No. 2001-1 (*Estate of Mr. "D"*), para 12.

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), para. 8.

Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 16 and note 12.

Rule XX

Order No. 1997-1 (*Interpretation of Judgment No. 1997-1*).

Order No. 1999-1 (*Interpretation of Judgment No. 1998-1*).

Order No. 2005-2 (*Mr. "F"*) (*Interpretation of Judgment No. 2005-1*), paras. 3, 11, 13 and note 2.

Rule XXI

Judgment No. 1994-1 (*Mr. "X"*), para. 4.

Judgment No. 1998-1 (*Ms. "Y"*), para. 4.

Judgment No. 1999-2 (*Mr. "V"*), note 3.

Rule XXI (2)

Judgment No. 2001-1 (*Estate of Mr. "D"*), paras. 8, 10 and notes 3, 12.

Judgment No. 2002-3 (*Ms. "G"*), note 3.

Judgment No. 2003-1 (*Ms. "J"*), para. 7 and note 4.

Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 12 and note 6.

Rule XXI (3)

Judgment No. 2001-1 (*Estate of Mr. "D"*), para. 10 and note 12.

Judgment No. 2002-3 (*Ms. "G"*), note 3.

Judgment No. 2003-1 (*Ms. "J"*), paras. 7, 16 and notes 4, 6.

Judgment No. 2006-1 (*Mr. "O"*), para. 5 and note 3.

Judgment No. 2006-2 (*Ms. "T"*), para. 4 and note 2.

Judgment No. 2006-3 (*Ms. "U"*), para. 4 and note 2.

Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 12 and note 6.

RULES OF PROCEDURE OF THE IMFAT (2004)

Rule I (2b)

Judgment No. 2006-4 (*Baker et al.*) (*Dismissal of the Applications as Moot*), para. 14.

Rule IV (f)

Judgment No. 2005-3 (*Baker et al.*) (*Admissibility of the Applications*), para. 5 and note 2.

Judgment No. 2006-5 (*Ms. "AA"*), para. 6 and note 1.

Rule VII (2j)

Judgment No. 2006-5 (*Ms. "AA"*), para. 9 and note 5.

Rule VIII (1)

Judgment No. 2006-4 (*Baker et al.*) (*Dismissal of the Applications as Moot*), note 2.

Rule VIII (5)

Judgment No. 2006-5 (*Ms. "AA"*), para. 9 and notes 4, 6.

Rule IX (5)

Judgment No. 2006-4 (*Baker et al.*) (*Dismissal of the Applications as Moot*), para. 6 and note 4.

Rule XII

Judgment No. 2005-3 (*Baker et al.*) (*Admissibility of the Applications*), paras. 6, 8, 20, 24 and note 3.

Judgment No. 2006-4 (*Baker et al.*) (*Dismissal of the Applications as Moot*), paras. 3, 13-14 and note 1.

Judgment No. 2006-5 (*Ms. "AA"*), paras. 7, 42 and note 2.

Rule XII (1)

Judgment No. 2006-4 (*Baker et al.*) (*Dismissal of the Applications as Moot*), note 5.

Rule XII (2)

Judgment No. 2006-4 (*Baker et al.*) (*Dismissal of the Applications as Moot*), para. 8.

Rule XII (3)

Judgment No. 2006-4 (*Baker et al.*) (*Dismissal of the Applications as Moot*), para. 7.

Rule XIII (1)

Judgment No. 2005-3 (*Baker et al.*) (*Admissibility of the Applications*), note 4.
Judgment No. 2006-5 (*Ms. "AA"*), paras. 16-18.

Rule XIV

Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), note 9.

Rule XXI (2)

Judgment No. 2006-4 (*Baker et al.*) (*Dismissal of the Applications as Moot*), note 3.

Rule XXI (3)

Judgment No. 2006-5 (*Ms. "AA"*), para. 7 and note 3.

Rule XXII

Judgment No. 2006-5 (*Ms. "AA"*), paras. 9-15.

SALARY (*see also* GRADING OF POST)

“adversely affecting” requirement of Article II met in Applicants’ challenge to widening of Executive Board’s discretion in setting staff salaries, where no adverse financial consequences in current compensation round

Judgment No. 2005-3 (*Baker et al.*) (*Admissibility of the Applications*), paras. 19-23.

challenge to decision revising staff compensation system rendered moot by subsequent Executive Board decision

Judgment No. 2006-4 (*Baker et al.*) (*Dismissal of the Applications as Moot*), paras. 17-25.

methodology for non-economist staff; no cause of action for inequality of treatment

Judgment No. 1996-1 (*Mr. M. D’Aoust*), para. 29.

no irregularity in setting initial grade and salary

Judgment No. 1996-1 (*Mr. M. D’Aoust*), paras. 20-24, 30.

SEALING

of performance reports, as term of settlement and release agreement

Judgment No. 1999-2 (*Mr. "V"*), paras. 10, 52-56, 70.

SECURITY OF STAFF (*see also* HOUSING ALLOWANCE; OVERSEAS STAFF)

equal treatment of staff required in respect of fundamental right to enjoy physical

security; differing treatment of residential security costs incurred directly (v. indirectly) by overseas staff member is inconsistent with equal treatment

Judgment No. 2004-1 (*Mr. "R" (No. 2)*), paras. 51-52.

SEPARATION BENEFITS FUND (SBF)

history and regulations

Judgment No. 1999-2 (*Mr. "V"*), paras. 18-24.
reporting requirements of; no obligation to disclose during negotiation of settlement
and release agreement

Judgment No. 1999-2 (*Mr. "V"*), paras. 19-20, 86-89.
separation leave financed by
Judgment No. 1999-2 (*Mr. "V"*), para. 9.

SEPARATION OF STAFF MEMBER (*see also* ABOLITION OF POSITION; MEDICAL SEPARATION)

discretion to vary provisions governing, in circumstances of case

Judgment No. 2006-1 (*Mr. "O"*), para. 97.

Fund's regulations governing

Judgment No. 2006-1 (*Mr. "O"*), paras. 76, 91-92.

in circumstances of case, Fund had discretion to condition reemployment, following
service as Advisor to Executive Director, on agreement to take appointment of limited
duration

Judgment No. 2006-1 (*Mr. "O"*), paras. 86-97.

notice requirements pertaining to

Judgment No. 2005-1 (*Mr. "F"*), para. 103.

SEPARATION OF POWERS

among IMFAT and legislative and executive organs of the Fund

Judgment No. 1999-1 (*Mr. "A"*), paras. 58, 97.

SETTLEMENT AND RELEASE AGREEMENT

alleged breach

Judgment No. 1999-2 (*Mr. "V"*), paras. 50-83.

alleged conflict between agreement and Fund's internal law

Judgment No. 1999-2 (*Mr. "V"*), paras. 84-85.

importance of enforcing; jurisprudence

Judgment No. 1999-2 (*Mr. "V"*), paras. 78-83.

indicia of enforceability

Judgment No. 1999-2 (*Mr. "V"*), paras. 79-81.

inequality of information and bargaining power, and interpretation of agreement

Judgment No. 1999-2 (*Mr. "V"*), paras. 86-89.

negotiating history; and interpretation of agreement

Judgment No. 1999-2 (*Mr. "V"*), paras. 11-15, 62, 75-77, 82, 184, 188-189, 191.

no obligation to disclose SBF reporting requirements during negotiation of; no
deliberate misleading

Judgment No. 1999-2 (*Mr. "V"*), paras. 86-89.

terms of

Judgment No. 1999-2 (*Mr. "V"*), para. 10.

Tribunal has recognized validity of

Judgment No. 2006-1 (*Mr. "O"*), para. 93.

SEXUAL HARASSMENT (*see* HARASSMENT)

SOURCES OF LAW (*see also* GENERAL PRINCIPLES OF INTERNATIONAL ADMINISTRATIVE LAW; INTERNAL LAW OF THE IMF; REPORT OF THE EXECUTIVE BOARD)

administrative practice as law-creating

Judgment No. 1997-2 (*Ms. "B"*), paras. 37-38.

general principles of law

Judgment No. 1997-2 (*Ms. "B"*), para. 59.

general principles of international administrative law

Judgment No. 1999-1 (*Mr. "A"*), para. 92.

Judgment No. 2002-1 (*Mr. "R"*), para. 30.

in determining appropriate standard of review

Judgment No. 2003-1 (*Ms. "J"*), para. 102.

Judgment No. 2003-2 (*Ms. "K"*), para. 42.

internal law of the organization

Judgment No. 1997-2 (*Ms. "B"*), paras. 37-38.

Judgment No. 1999-1 (*Mr. "A"*), paras. 92-96.

legislative history; *travaux préparatoires*

Judgment No. 1995-1 (*Ms. "S"*), para. 22.

Judgment No. 1999-1 (*Mr. "A"*), paras. 47, 86.

STAFF ASSOCIATION COMMITTEE (SAC)

acts of, not within Tribunal's jurisdiction *ratione materiae*

Judgment No. 1999-2 (*Mr. "V"*), para. 114.

as *Amicus Curiae*

Judgment No. 2003-1 (*Ms. "J"*), paras. 15-20, 90-93, 100, 136.

Fund not answerable before Tribunal for alleged acts thereof; alleged act of SAC not imputed to the Fund

Judgment No. 1999-2 (*Mr. "V"*), paras. 104-114.

primary purpose is to represent staff interests

Judgment No. 1999-2 (*Mr. "V"*), para. 113.

STAFF BULLETINS

No. 85/1

Judgment No. 2002-3 (*Ms. "G"*), para. 46.

No. 89/28; provided for periodic adjustment of time-in-grade practices

Judgment No. 1997-2 (*Ms. "B"*), note 2 and paras. 19, 24, 31-34, 44-45, 60.

No. 94/7

Judgment No. 2002-1 (*Mr. "R"*), para. 58.

No. 94/14

- Judgment No. 2001-1 (*Estate of Mr. "D"*), note 22.
- No. 95/4
 Judgment No. 2001-2 (*Mr. "P" (No. 2)*), para. 75.
 Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 117-118.
- No. 96/9
 Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), note 84.
- No. 99/11
 Judgment No. 2001-2 (*Mr. "P" (No. 2)*), paras. 81-82, 129.
 Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 142, 166, 168, 203 and notes 90, 97.
- No. 99/12
 Judgment No. 2001-2 (*Mr. "P" (No. 2)*), paras. 36, 83, 153.
 Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 113, 119, 129, 131, 142, 145, 148, 168, 203 and notes 3, 87.
- No. 99/15
 Judgment No. 2006-5 (*Ms. "AA"*), para. 35.
- No. 99/17
 Judgment No. 2001-2 (*Mr. "P" (No. 2)*), para. 31.
 Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 74.
- No. 02/2
 Judgment No. 2002-3 (*Ms. "G"*), paras. 13, 53-55 and note 1.
- No. 02/5
 Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 88, 121, 194.

STAFF RETIREMENT PLAN (SRP) (*see also* ADMINISTRATION COMMITTEE OF STAFF RETIREMENT PLAN (SRP))

- applicant's stake in outcome of decision-making process deserves high level of procedural protection
 Judgment No. 2003-1 (*Ms. "J"*), para. 162.
 Judgment No. 2003-2 (*Ms. "K"*), para. 100.
- "beneficiary" under for purposes of Tribunals' jurisdiction *ratione personae*
 Judgment No. 2001-2 (*Mr. "P" (No. 2)*), paras. 56-65.
- channels of administrative review of decision arising under
 Judgment No. 1995-1 (*Ms. "S"*), para. 12.
 Judgment No. 2001-2 (*Mr. "P" (No. 2)*), paras. 31-43.
 Judgment No. 2003-1 (*Ms. "J"*), paras. 50, 98.
 Judgment No. 2003-2 (*Ms. "K"*), paras. 22, 41.
 Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 74-80.
- disability retirement decisions rescinded by Tribunal
 Judgment No. 2003-1 (*Ms. "J"*), para. 179 and Decision.
 Judgment No. 2003-2 (*Ms. "K"*), para. 116 and Decision.
- eligible service and part-time contractual employment
 Judgment No. 1995-1 (*Ms. "S"*), para. 20.
- evasion of service of child support order tantamount to "notice" under Administration

Committee Rules under SRP 11.3

Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 216.

Fund may condition receipt of retirement benefits on compliance with valid orders for family support or division of marital property

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), para. 153.

"marital relationship" requirement, later revised, not dispositive of Applicants' request to give effect to court-ordered child support for period pre-dating its revision

Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 112-133.

no bona fide dispute as to validity of child support orders so as to justify failure to give effect pursuant to Administration Committee's Rules under SRP Section 11.3

Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 174-224.

no bona fide dispute justifying escrowing of pension payment pursuant to provision for giving effect to domestic relations orders

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), para. 145.

pension withheld pending resolution of domestic relations matter

Order No. 1999-2 (*Mr. "P"*) (*Mootness of Application*).

"prospective payments" (Rule 9) of Administration Committee's Rules under SRP

Section 11.3 does not preclude giving effect to court orders for support payments due prior to Applicants' requests to Fund, where court ordered payment from future Fund pension benefits of past support obligations

Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 172.

"prospective payments" (Rule 9) of Administration Committee's Rules under SRP

Section 11.3 precludes giving effect to court orders for support payments due prior to Applicants' requests to Fund, where court order does not specify payment of past support obligations from future Fund pension benefits

Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 173.

provisions for giving effect under to court orders for family support or division of marital property; evolution of Fund's internal law

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), paras. 69-87.

Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 57, 87, 118-122, 136-148 and note 43.

rescission of decision to escrow disputed portion of pension payment; Tribunal orders division of marital property pursuant to divorce judgment be given effect under Staff Retirement Plan

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), paras. 145, 156 and Decision.

retroactive participation of former contractual employees

Judgment No. 1995-1 (*Ms. "S"*), paras. 19-20.

SRP Section 1.1

Judgment No. 2003-2 (*Ms. "K"*), note 20.

SRP Section 4.2

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), para. 60.

SRP Section 4.3

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), note 7.

Judgment No. 2003-1 (*Ms. "J"*), paras. 22, 27, 129-157.

Judgment No. 2003-2 (*Ms. "K"*), paras. 9-10, 14, 55-95.

SRP Section 4.6

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), para. 60.

SRP Section 7.1

Judgment No. 2003-1 (*Ms. "J"*), note 28.

SRP Section 7.2

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), para. 141.

Judgment No. 2003-1 (*Ms. "J"*), paras. 113-114.

Judgment No. 2003-2 (*Ms. "K"*), paras. 47 and note 12.

Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 167 and notes 53, 86.

SRP Section 9.1

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), para. 73, note 34.

Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), note 111.

SRP Section 9.10

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), para. 23 and note 8.

SRP Section 11.1

Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 129, 135-136, 139-140, 163, 168 and notes 72, 80.

SRP Section 11.3

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), paras. 60-61, 63, 75-87.

Judgment No. 2003-1 (*Ms. "J"*), para. 115 and note 12.

Judgment No. 2003-2 (*Ms. "K"*), para. 48 and note 5.

SRP Section 15.1

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), para. 60.

SRP Section 11.3 (as formerly drafted), fundamentally defective as incompatible with international standards of nondiscrimination by failing to make adequate provision for children born out of wedlock in giving effect to child support orders

Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 132.

SRP Section 11.3, governing consideration is that child support order must be issued by court of competent jurisdiction; recognition by retiree's country of domicile not required

Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 198, 206.

SRP Section 11.3, to be given effect under, orders for child or spousal support need not specify that support payments be made from retiree's Fund pension payments

Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 134-158.

Section 11.3, underlying purpose of, is to encourage enforcement of orders for family support and division of marital property; favors legal systems in which such measures are recognized

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), para. 151.

Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 140, 143, 153, 155.

termination of pensionable period of service

Judgment No. 1994-1 (*Mr. "X"*), paras. 23-24.

STANDARD OF IMFAT'S REVIEW (*see also* ABUSE OF DISCRETION; BURDEN OF PROOF; DISCRETIONARY AUTHORITY)

arbitrary and capricious is least rigorous level of scrutiny applicable to acts of managerial discretion
 Judgment No. 2003-1 (*Ms. "J"*), para. 109.
 Judgment No. 2003-2 (*Ms. "K"*), para. 44.

care with which provision studied may be taken into account in giving deference to regulatory decision
 Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 131.

deference is at height in reviewing "regulatory decisions," especially policy decisions of Executive Board
 Judgment No. 2003-1 (*Ms. "J"*), para. 105.
 Judgment No. 2003-2 (*Ms. "K"*), para. 43.

degree of review dictated by nature of process being reviewed
 Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), para. 65.

describes relationship between Tribunal and decision maker responsible for contested decision; represents degree of deference accorded by Tribunal to the decision maker's judgment
 Judgment No. 2003-1 (*Ms. "J"*), para. 99.
 Judgment No. 2003-2 (*Ms. "K"*), para. 40.

for assessing classification scheme against general principle of equal treatment
 Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 128.

for disability retirement decisions differentiated from act of managerial discretion: quasi-judicial decision and IMFAT's appellate authority
 Judgment No. 2003-1 (*Ms. "J"*), paras. 112-128.
 Judgment No. 2003-2 (*Ms. "K"*), paras. 45-54.

for individual decisions involving managerial discretion comprehends multiple factors, some contemplating stricter scrutiny than others
 Judgment No. 2003-1 (*Ms. "J"*), paras. 107-108.
 Judgment No. 2003-2 (*Ms. "K"*), para. 44.

greater degree of scrutiny over discretionary authority where contested decision allegedly violated universally recognized human right
 Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 117.

heightened scrutiny of quasi-judicial decisions; e.g., disciplinary, disability retirement decisions
 Judgment No. 2003-1 (*Ms. "J"*), paras. 112-128.
 Judgment No. 2003-2 (*Ms. "K"*), paras. 45-54.

may vary according to nature of decision under review, grounds upon which it is contested and authority or expertise of decision maker
 Judgment No. 2003-1 (*Ms. "J"*), paras. 99-110.
 Judgment No. 2003-2 (*Ms. "K"*), paras. 40, 44-45.

of abolition of position
 Judgment No. 2005-1 (*Mr. "F"*), paras. 48-50.

of decision under ad hoc discrimination review; cannot be reviewed by IMFAT as if claims pursued on a timely basis through GAO No. 31
 Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), paras. 34-41, 54.

of individual decision taken in the exercise of managerial discretion

Judgment No. 2005-1 (*Mr. "F"*), para. 49.
of merits of discrimination claim raised under ad hoc procedure differs from that applied
by IMFAT in case arising through usual channels of review
Judgment No. 2005-2 (*Ms. "W"*), paras. 64-65, 102 and notes 16, 23.
Judgment No. 2005-4 (*Ms. "Z"*), paras. 47-48, 112 and notes 16, 27.
of non-conversion of fixed-term appointment and other "performance-based" decisions
Judgment No. 2006-2 (*Ms. "T"*), para. 36.
Judgment No. 2006-3 (*Ms. "U"*), para. 36.
"particular scrutiny" by Tribunal of claim of religious discrimination
Judgment No. 2005-1 (*Mr. "F"*), para. 50.
Tribunal makes own findings of fact and holdings of law; weighs record generated by
Grievance Committee as element of evidence before it
Judgment No. 1996-1 (*Mr. M. D'Aoust*), para. 17.
Judgment No. 1999-2 (*Mr. "V"*), para. 129.
Tribunal may not substitute its judgment for that of authority in which discretion has
been conferred
Judgment No. 2002-1 (*Mr. "R"*), paras. 33-34, 65.

STATISTICS

no abuse of discretion in basing ad hoc discrimination review exercise on qualitative
considerations as well as statistical data
Judgment No. 2005-2 (*Ms. "W"*), paras. 18-21.
Judgment No. 2005-4 (*Ms. "Z"*), para. 74.
on DRE outcomes not probative of discrimination in DRE process or in Applicant's case
Judgment No. 2005-2 (*Ms. "W"*), paras. 28, 112.
Judgment No. 2005-4 (*Ms. "Z"*), para. 115.

STATUTE OF THE IMFAT

amendment of only by Fund's Board of Governors
Judgment No. 1999-1 (*Mr. "A"*), para. 59.
Article II
Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), para. 42.
Judgment No. 2002-3 (*Ms. "G"*), para. 57.
Judgment No. 2003-1 (*Ms. "J"*), paras. 97, 114.
Judgment No. 2003-2 (*Ms. "K"*), para. 47.
Judgment No. 2005-4 (*Ms. "Z"*), para. 119.
Judgment No. 2006-1 (*Mr. "O"*), paras. 47, 52 and note 15.
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), note 1.
Article II (1)
Judgment No. 1995-1 (*Ms. "S"*), notes 1, 5 and para. 16.
Judgment No. 1996-1 (*Mr. M. D'Aoust*), paras. 10, 17.
Judgment No. 1999-2 (*Mr. "V"*), note 10.
Judgment No. 2003-1 (*Ms. "J"*), para. 82 and note 18.

- Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 13-14.
- Article II (1a)
- Judgment No. 1999-1 (*Mr. "A"*), paras. 45, 51.
 - Judgment No. 1999-2 (*Mr. "V"*), paras. 110, 130.
 - Judgment No. 2002-1 (*Mr. "R"*), para. 21 and note 8.
 - Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), note 18.
 - Judgment No. 2005-3 (*Baker et al.*) (*Admissibility of the Applications*), para. 2 and note 6.
 - Order No. 2005-2 (*Mr. "F"*) (*Interpretation of Judgment No. 2005-1*), para. 16.
 - Judgment No. 2006-4 (*Baker et al.*) (*Dismissal of the Applications as Moot*), paras. 3, 18.
- Article II (1b)
- Judgment No. 2001-1 (*Estate of Mr. "D"*), paras. 58-63.
 - Judgment No. 2001-2 (*Mr. "P" (No. 2)*), paras. 52-65 and note 49.
 - Judgment No. 2003-1 (*Ms. "J"*), note 30.
 - Judgment No. 2003-2 (*Ms. "K"*), note 14.
 - Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), note 1.
- Article II (2)
- Judgment No. 1994-1 (*Mr. "X"*), note 6.
 - Judgment No. 1995-1 (*Ms. "S"*), note 5 and para. 16.
 - Judgment No. 1996-1 (*Mr. M. D'Aoust*), paras. 17, 33.
 - Judgment No. 1997-2 (*Ms. "B"*), para. 47.
 - Judgment No. 2002-1 (*Mr. "R"*), para. 21 and note 8.
 - Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), note 19.
- Article II (2a)
- Judgment No. 1999-1 (*Mr. "A"*), paras. 50-51.
 - Judgment No. 1999-2 (*Mr. "V"*), para. 110.
 - Judgment No. 2001-2 (*Mr. "P" (No. 2)*), para. 121.
- Article II (2b)
- Judgment No. 1996-1 (*Mr. M. D'Aoust*), paras. 33-34.
 - Judgment No. 1999-2 (*Mr. "V"*), note 11 and para. 113.
 - Judgment No. 2001-2 (*Mr. "P" (No. 2)*), para. 121.
 - Judgment No. 2004-1 (*Mr. "R" (No. 2)*), para. 48.
 - Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), note 69.
- Article II (2c)
- Judgment No. 1999-1 (*Mr. "A"*), paras. 45-48.
 - Judgment No. 2001-1 (*Estate of Mr. "D"*), paras. 58-63.
 - Judgment No. 2002-3 (*Ms. "G"*), para. 31.
- Article II (2d)
- Judgment No. 1999-2 (*Mr. "V"*), note 2.
- Article III
- Judgment No. 1997-1 (*Ms. "C"*), para. 44.
 - Judgment No. 1997-2 (*Ms. "B"*), para. 37.
 - Judgment No. 1999- 1 (*Mr. "A"*), paras. 56, 58, 92.
 - Judgment No. 2001-2 (*Mr. "P" (No. 2)*), paras. 120, 125, 128.

Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), para. 46.
Judgment No. 2003-1 (*Ms. "J"*), paras. 90, 92-94, 102, 159.
Judgment No. 2003-2 (*Ms. "K"*), paras. 40, 42, 97.
Judgment No. 2005-1 (*Mr. "F"*), note 14.
Judgment No. 2006-5 (*Ms. "AA"*), note 11.
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 123.

Article IV

Judgment No. 1999- 1 (*Mr. "A"*), para. 57.

Article V

Judgment No. 1998-1 (*Ms. "Y"*), paras. 25, 33-43.
Judgment No. 1999-2 (*Mr. "V"*), para. 136.
Judgment No. 2001-1 (*Estate of Mr. "D"*), paras. 64-128
Judgment No. 2001-2 (*Mr. "P" (No. 2)*), para. 35.
Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), paras. 3, 26, 36.
Judgment No. 2003-1 (*Ms. "J"*), paras. 82-88, 98.
Judgment No. 2003-2 (*Ms. "K"*), para. 41.

Article V (1)

Judgment No. 2001-1 (*Estate of Mr. "D"*), para. 7.
Judgment No. 2002-3 (*Ms. "G"*), para. 19.
Judgment No. 2003-1 (*Ms. "J"*), para. 82.
Judgment No. 2005-2 (*Ms. "W"*), note 28.
Judgment No. 2005-4 (*Ms. "Z"*), paras. 11-12 and notes 7-8, 31.
Judgment No. 2006-1 (*Mr. "O"*), paras. 47-75 and note 14.
Judgment No. 2006-5 (*Ms. "AA"*), paras. 29-42.
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 94-100, 106, 111.

Article V (2)

Judgment No. 2001-1 (*Estate of Mr. "D"*), para. 69 and note 18.
Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), para. 38.

Article V (3)

Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), para. 38.

Article V (4)

Judgment No. 1999- 1 (*Mr. "A"*), para. 18.

Article VI

Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 101-111.

Article VI (1)

Judgment No. 1998-1 (*Ms. "Y"*), para. 25.
Judgment No. 1999-2 (*Mr. "V"*), note 14.
Judgment No. 2001-1 (*Estate of Mr. "D"*), paras. 65, 79.
Judgment No. 2005-2 (*Ms. "W"*), para. 58 and note 14.

Article VI (2)

Judgment No. 1995-1 (*Ms. "S"*), para. 22.
Judgment No. 1996-1 (*Mr. M. D'Aoust*), para. 37.
Judgment No. 1997-2 (*Ms. "B"*), para. 56.
Judgment No. 2001-2 (*Mr. "R"*), note 10.
Judgment No. 2005-3 (*Baker et al.*) (*Admissibility of the Applications*), paras. 13,

22 and note 5.

Article VI (3)

Judgment No. 2001-1 (*Estate of Mr. "D"*), para. 101.

Judgment No. 2005-3 (*Baker et al.*) (*Admissibility of the Applications*), note 1.

Judgment No. 2005-4 (*Ms. "Z"*), note 1.

Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 102-111.

Article X

Judgment No. 2001-1 (*Estate of Mr. "D"*), para. 135.

Judgment No. 2005-4 (*Ms. "Z"*), para. 120.

Article X (2b)

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), para. 49.

Judgment No. 2002-3 (*Ms. "G"*), para. 23.

Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 12, 14 and note 8.

Article X (2d)

Judgment No. 2006-4 (*Baker et al.*) (*Dismissal of the Applications as Moot*), para. 14.

Article X (1)

Judgment No. 1995-1 (*Ms. "S"*), para. 15.

Article X (3)

Judgment No. 1999-2 (*Mr. "V"*), paras. 121-124.

Article XII

Judgment No. 2001-1 (*Estate of Mr. "D"*), note 14.

Judgment No. 2002-1 (*Mr. "R"*), note 4.

Judgment No. 2002-3 (*Ms. "G"*), note 5.

Judgment No. 2003-1 (*Ms. "J"*), para. 14.

Judgment No. 2003-2 (*Ms. "K"*), para. 7.

Judgment No. 2004-1 (*Mr. "R" (No. 2)*), note 3.

Judgment No. 2005-1 (*Mr. "F"*), note 3.

Judgment No. 2005-2 (*Ms. "W"*), note 3.

Judgment No. 2005-3 (*Baker et al.*) (*Admissibility of the Applications*), note 4.

Judgment No. 2005-4 (*Ms. "Z"*), note 5.

Judgment No. 2006-2 (*Ms. "T"*), note 3.

Judgment No. 2006-3 (*Ms. "U"*), note 3.

Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), note 17.

Article XIII

Judgment No. 2004-1 (*Mr. "R" (No. 2)*), paras. 4, 24-44.

Article XIII (2)

Order No. 1997-1 (*Interpretation of Judgment No. 1997-1*), note 3.

Order No. 1999-1 (*Interpretation of Judgment No. 1998-1*), note 3.

Judgment No. 2004-1 (*Mr. "R" (No. 2)*), para. 25.

Order No. 2005-2 (*Mr. "F"*) (*Interpretation of Judgment No. 2005-1*), para. 6.

Article XIV

Judgment No. 1997-1 (*Ms. "C"*), para. 44.

Judgment No. 1999-2 (*Mr. "V"*), paras. 135-139.

Order No. 1998-1 (*Assessment of compensable legal costs pursuant to*

- Judgment No. 1997-1).*
- Judgment No. 2001-2 (*Mr. "P" (No. 2)*), para. 123.
- Judgment No. 2003-1 (*Ms. "J"*), para. 178.
- Judgment No. 2003-2 (*Ms. "K"*), para. 115.
- Article XIV (1)
- Judgment No. 2004-1 (*Mr. "R" (No. 2)*), para. 53.
- Judgment No. 2005-1 (*Mr. "F"*), para. 118.
- Article XIV (3)
- Judgment No. 2002-3 (*Ms. "G"*), para. 32.
- Article XIV (4)
- Judgment No. 2001-2 (*Mr. "P" (No. 2)*), para. 157.
- Judgment No. 2003-1 (*Ms. "J"*), paras. 181-183.
- Judgment No. 2003-2 (*Ms. "K"*), paras. 118-119.
- Order No. 2003-1 (*Ms. "J"*) (*Assessment of compensable legal costs pursuant to Judgment No. 2003-1*).
- Order No. 2003-2 (*Ms. "K"*) (*Assessment of compensable legal costs pursuant to Judgment No. 2003-2*).
- Judgment No. 2005-1 (*Mr. "F"*), para. 123.
- Order No. 2005-1 (*Mr. "F"*) (*Assessment of compensable legal costs pursuant to Judgment No. 2005-1*).
- Judgment No. 2006-4 (*Baker et al.*) (*Dismissal of the Applications as Moot*), para. 26.
- Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), Decision.
- Article XV
- Judgment No. 1999-2 (*Mr. "V"*), paras. 132-139.
- Article XVI
- Judgment No. 2004-1 (*Mr. "R" (No. 2)*), note 11.
- Order No. 2005-2 (*Mr. "F"*) (*Interpretation of Judgment No. 2005-1*), note 3.
- Judgment No. 2006-5 (*Ms. "AA"*), para. 36.
- Article XVII
- Order No. 1997-1 (*Interpretation of Judgment No. 1997-1*).
- Order No. 1999-1 (*Interpretation of Judgment No. 1998-1*).
- Judgment No. 2004-1 (*Mr. "R" (No. 2)*), note 11.
- Order No. 2005-2 (*Mr. "F"*) (*Interpretation of Judgment No. 2005-1*).
- Article XIX
- Judgment No. 1999-1 (*Mr. "A"*), para. 59.
- Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), note 28.
- Article XX
- Judgment No. 1994-1 (*Mr. "X"*), paras. 22-26.
- Judgment No. 1995-1 (*Ms. "S"*), paras. 16-22.
- Judgment No. 2002-3 (*Ms. "G"*), paras. 63-72.
- distinguished from that of other Tribunals
- Judgment No. 1999-1 (*Mr. "A"*), para. 48.
- jurisdiction of IMFAT conferred exclusively by
- Judgment No. 1999-1 (*Mr. "A"*), paras. 56-59.

STATUTE OF LIMITATIONS

- in circumstances of case, Tribunal unwilling to impute to Applicants knowing relinquishment of right to judicial review
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 105, 111.
- time for filing Application following dismissal of grievance for lack of jurisdiction
Judgment No. 2001-1 (*Estate of Mr. "D"*), note 18.
- triggered by management's final decision as to relief provided to Applicant at conclusion of Grievance process
Judgment No. 2005-2 (*Ms. "W"*), para. 58.
- waiver of, justified by "exceptional circumstances," in case of non-staff members challenging denial of SRP Section 11.3 request, where absence of notification by Fund of review procedures,
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 108.
- waiver of, justified by "exceptional circumstances," where uncertainty by Fund and Applicants as to Tribunal's jurisdiction *ratione personæ* in circumstances of case
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), paras. 110-111.
- waiver request denied, to file amended Applications
Judgment No. 2005-3 (*Baker et al.*) (*Admissibility of the Applications*), para. 4.
- waiver request granted, in light of "exigent personal circumstances" to file Application two months late
Judgment No. 2005-4 (*Ms. "Z"*), note 1.

STATUTORY INTERPRETATION, PRINCIPLES OF

- IMFAT as tribunal of limited jurisdiction
Judgment No. 1999-1 (*Mr. "A"*), paras. 56-59.
- in case of omission from express terms of Statute
Judgment No. 2001-1 (*Estate of Mr. "D"*), paras. 62-63, 102-103.
- specific governs the general
Judgment No. 1995-1 (*Ms. "S"*), para. 22.

SUCCESSOR IN INTEREST (*see* GRIEVANCE COMMITTEE; JURISDICTION *RATIONE PERSONÆ*)

SUMMARY DISMISSAL

- Applicant's request for documents amended in response to motion for
Judgment No. 2001-1 (*Estate of Mr. "D"*), para. 8.
- case followed Tribunal's summary dismissal of earlier Application for failure to exhaust channels of administrative review
Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), paras. 4, 26-29.
- "clearly inadmissible" standard for
Judgment No. 2005-3 (*Baker et al.*) (*Admissibility of the Applications*), paras. 20, 23.
- Judgment No. 2006-5 (*Ms. "AA"*), para. 42.

motion for, denied; exchange of pleadings to resume
Judgment No. 2001-1 (*Estate of Mr. "D"*), para. 136.
Judgment No. 2005-3 (*Baker et al.*) (*Admissibility of the Applications*), paras. 23-24 and Decision.

motion for, granted where Applicant did not establish "exceptional circumstances" to excuse substantial delay in initiating administrative review
Judgment No. 2006-5 (*Ms. "AA"*), para. 42.

motion for, granted where failure to exhaust channels of administrative review
Judgment No. 1998-1 (*Ms. "Y"*), para. 43, Decision.

motion for, granted where lack of jurisdiction *ratione personæ* and *ratione materiæ*
Judgment No. 1999-1 (*Mr. "A"*), para. 100, Decision.

motion for, granted where lack of jurisdiction *ratione temporis*
Judgment No. 1994-1 (*Mr. "X"*), Decision.
Judgment No. 1995-1 (*Ms. "S"*), para. 56, Decision.

motion granted to dismiss Applications as moot
Judgment No. 2006-4 (*Baker et al.*) (*Dismissal of the Applications as Moot*), paras. 17-25.

TERMINATION (*see also* RESIGNATION; SEPARATION OF STAFF MEMBER; SETTLEMENT AND RELEASE AGREEMENT)

of pensionable period of service
Judgment No. 1994-1 (*Mr. "X"*), paras. 23-24.

TIME BAR (*see also* JURISDICTION *RATIONE TEMPORIS* OF THE IMFAT)

importance of adherence to time limits in legal processes
Judgment No. 2006-1 (*Mr. "O"*), para. 50.
Judgment No. 2006-5 (*Ms. "AA"*), para. 32.
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 106.

TIME-IN-GRADE REQUIREMENTS

exceptions to policy
Judgment No. 1997-2 (*Ms. "B"*), para. 65.

for promotion
Judgment No. 1997-2 (*Ms. "B"*), paras. 10, 12, 24.

rationale for requirements
Judgment No. 1997-2 (*Ms. "B"*), paras. 33, 69-70.

Staff Bulletin provided for periodic adjustment of policy
Judgment No. 1997-2 (*Ms. "B"*), para. 60.

"underfilling" policy permitted promotion of applicant who did not fully meet
Judgment No. 1997-2 (*Ms. "B"*), paras. 69-70.

TRANSFER

organization's authority to transfer staff member
Judgment No. 1997-1 (*Ms. "C"*), paras. 10, 30-31.

TRANSPARENCY (*see also* NOTICE)

of personnel practices, lack of
Judgment No. 1996-1 (*Mr. M. D'Aoust*), para. 36.
rationale for preparation and circulation of SBF report
Judgment No. 1999-2 (*Mr. "V"*), paras. 19, 96, 102.

"UNDERFILLING" OF POSITION (*see* GRADING OF POST; PROMOTION; TIME-IN-GRADE REQUIREMENTS)

UNITED NATIONS ADMINISTRATIVE TRIBUNAL (UNAT) JURISPRUDENCE

Belas-Gianou v. The Secretary-General of the United Nations, UNAT Judgement No. 707 (1995)
Judgment No. 1997-1 (*Ms. "C"*), para. 22.
Benthin v. The Secretary-General of the United Nations, UNAT Judgement No. 700 (1995)
Judgment No. 1997-1 (*Ms. "C"*), para. 44.
Bohn v. The United Nations Joint Staff Pension Board, UNAT Judgement No. 378 (1986)
Judgment No. 1999-1 (*Mr. "A"*), note 19.
Camargo v. The Secretary-General of the United Nations, UNAT Judgement No. 96 (1965)
Judgment No. 1999-1 (*Mr. "A"*), paras. 66, 74.
Gilbert v. The United Nations Joint Staff Pension Board, UNAT Judgement No. 378 (1986)
Judgment No. 1999-1 (*Mr. "A"*), note 19.
Kiwanuka v. The Secretary-General of the United Nations, UNAT Judgement No. 941 (1999)
Judgment No. 2003-1 (*Ms. "J"*), paras. 122-123.
Safavi v. The Secretary-General of the United Nations, UNAT Judgement No. 465 (1989)
Judgment No. 1997-1 (*Ms. "C"*), paras. 21, 37.
Judgment No. 2003-1 (*Ms. "J"*), para. 160.
Judgment No. 2003-2 (*Ms. "K"*), para. 98.
Shkukani v. The Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), UNAT Judgement No. 628 (1993)
Judgment No. 1999-1 (*Mr. "A"*), paras. 88-90.

Teixeira v. The Secretary-General of the United Nations, UNAT Judgement No. 233 (1978); (UNAT Judgement No. 230, para. 74 (1977))

Judgment No. 1999-1 (*Mr. "A"*), paras. 74-76.

Zafari v. The Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), UNAT Judgement No. 461 (1990)

Judgment No. 1999-1 (*Mr. "A"*), note 19.

UNITED NATIONS ADMINISTRATIVE TRIBUNAL (UNAT) STATUTE AND RULES OF PROCEDURE

Intervention

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), note 17.

jurisdiction

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), note 28.

statute of limitations where Applicant deceased

Judgment No. 2001-1 (*Estate of Mr. "D"*), para. 123 and note 30.

UNSATISFACTORY PERFORMANCE (*see also* PERFORMANCE)

non-conversion of fixed-term appointment; interpersonal skills

Judgment No. 1997-1 (*Ms. "C"*), paras. 8, 12, 16, 35-36.

VACANCY ANNOUNCEMENT (*see also* GRADING OF POST; RECRUITMENT)

may properly refine and particularize qualifications set out in Job Standards

Judgment No. 1997-2 (*Ms. "B"*), paras. 72-77.

“underfilling” permits promotion where requirements of vacancy announcement not fully met

Judgment No. 1997-2 (*Ms. "B"*), paras. 69-70, 77.

wording of

Judgment No. 1996-1 (*Mr. M. D'Aoust*), para. 19.

Judgment No. 1997-2 (*Ms. "B"*), paras. 9, 72.

VISA STATUS

no abuse of discretion in Executive Board's decision to select visa status (v. nationality) as eligibility criterion for expatriate benefits

Judgment No. 2002-3 (*Ms. "G"*), para. 80.

WEDLOCK, CHILD BORN OUT OF (*see also* CHILD SUPPORT; DISCRIMINATION; HUMAN RIGHTS; STAFF RETIREMENT PLAN (SRP))

Fund's apparent failure to give consideration to effect on of former SRP Section 11.3 not

compatible with universally accepted principles of human rights
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 133.
protected by universally accepted principles of human rights from impermissible
discrimination
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 130.

WORKERS' COMPENSATION

claim not ripe for Tribunal's review
Judgment No. 2003-1 (*Ms. "J"*), para. 76 and note 17.
Fund's regulations governing
Judgment No. 2003-1 (*Ms. "J"*), paras. 28-32.
intersecting nature of medical separation, Workers' Compensation, and disability
retirement claims
Judgment No. 2003-1 (*Ms. "J"*), paras. 27, 30, 38, 70, 146-147, 151.
no deduction from award of legal costs for costs attributable to consultation relating to
Workers' Compensation claim of "intersecting nature" with disability retirement claim
on which Applicant prevailed
Order No. 2003-1 (*Ms. "J"*) (*Assessment of compensable legal costs pursuant to
Judgment No. 2003-1*), para. Second.

WORLD BANK ADMINISTRATIVE TRIBUNAL (WBAT) JURISPRUDENCE

A v. International Bank for Reconstruction and Development, WBAT Decision
No. 182 (1997)
Judgment No. 2001-1 (*Estate of Mr. "D"*), para. 106.
Judgment No. 2003-1 (*Ms. "J"*), paras. 127, 137, 155-156.
Judgment No. 2003-2 (*Ms. "K"*), paras. 53, 59, 66, 93.
Judgment No. 2006-5 (*Ms. "AA"*), para. 14.
Agerschou v. International Bank for Reconstruction and Development, WBAT
Decision No. 114 (1992)
Judgment No. 2001-1 (*Estate of Mr. "D"*), paras. 104, 125.
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 106.
Arellano (No. 2) v. International Bank for Reconstruction and Development, WBAT
Decision No. 161 (1997)
Judgment No. 2005-1 (*Mr. "F"*), paras. 52, 114.
Baartz (No. 2) v. International Bank for Reconstruction and Development, WBAT
Decision No. 258 (2001)
Judgment No. 2004-1 (*Mr. "R" (No. 2)*), para. 28.
Bernstein v. International Bank for Reconstruction and Development, WBAT
Decision No. 309 (2004)
Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 125.
Brannigan v. International Bank for Reconstruction and Development, WBAT Decision
No. 165 (1997)
Judgment No. 2005-1 (*Mr. "F"*), para. 52.

Bredero v. International Bank for Reconstruction and Development, WBAT Decision No. 129 (1993)
 Judgment No. 2001-1 (*Estate of Mr. "D"*), para. 125.

Broemser v. International Bank for Reconstruction and Development, WBAT Decision No. 27 (1985)
 Judgment No. 1997-1 (*Ms. "C"*), para. 44.

Buranavichkit v. International Bank for Reconstruction and Development, WBAT Decision No. 7 (1982)
 Judgment No. 1997-1 (*Ms. "C"*), para. 36.

Chhabra v. International Bank for Reconstruction and Development, WBAT Decision No. 139 (1994)
 Judgment No. 2005-1 (*Mr. "F"*), para. 121.

Courtney (No. 2) v. International Bank for Reconstruction and Development, WBAT Decision No. 153 (1996)
 Judgment No. 2003-1 (*Ms. "J"*), paras. 125-127, 137, 149.
 Judgment No. 2003-2 (*Ms. "K"*), paras. 51-53, 58-59, 69, 79.

de Merode v. The World Bank, WBAT Decision No. 1 (1981)
 Judgment No. 1997-2 (*Ms. "B"*), para. 37.
 Judgment No. 2002-1 (*Mr. "R"*), paras. 31, 36, 59.
 Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), para. 47.
 Judgment No. 2002-3 (*Ms. "G"*), para. 76.

de Jong v. International Finance Corporation, WBAT Decision No. 89 (1990)
 Judgment No. 2001-1 (*Estate of Mr. "D"*), para. 68.

de Raet v. International Bank for Reconstruction and Development, WBAT Decision No. 85 (1989)
 Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), para. 64.
 Judgment No. 2005-2 (*Ms. "W"*), note 22.
 Judgment No. 2005-4 (*Ms. "Z"*), note 24.

del Campo v. International Bank for Reconstruction and Development, WBAT Decision No. 292 (2003)
 Judgment No. 2005-1 (*Mr. "F"*), para. 72.

Denning v. International Bank for Reconstruction and Development, WBAT Decision No. 168 (1997)
 Judgment No. 2005-1 (*Mr. "F"*), para. 72.

E v. International Bank for Reconstruction and Development, WBAT Decision No. 325 (2004)
 Judgment No. 2006-5 (*Ms. "AA"*), para. 14.

Fidel v. International Bank for Reconstruction and Development, WBAT Decision No. 302 (2003)
 Judgment No. 2005-1 (*Mr. "F"*), para. 48.

Garcia-Mujica v. International Bank for Reconstruction and Development, WBAT Decision No. 192 (1998)
 Judgment No. 2005-1 (*Mr. "F"*), para. 104.

Guya v. International Bank for Reconstruction and Development, WBAT Decision No. 174 (1997)

Judgment No. 2001-1 (*Estate of Mr. "D"*), para. 120.
Harou v. International Bank for Reconstruction and Development, WBAT Decision No. 273 (2002)

Judgment No. 2005-1 (*Mr. "F"*), para. 72.
Jakub v. International Bank for Reconstruction and Development, WBAT Decision No. 321 (2004)

Judgment No. 2005-1 (*Mr. "F"*), para. 120.
Jassal v. International Bank for Reconstruction and Development, WBAT Decision No. 100 (1991)

Judgment No. 2005-1 (*Mr. "F"*), para. 71.
Justin v. The World Bank, WBAT Decision No. 15 (1984)

Judgment No. 1999-1 (*Mr. "A"*), para. 63.
Kehyaian v. International Bank for Reconstruction and Development (No. 2), WBAT Decision No. 130 (1993)

Judgment No. 1999-2 (*Mr. "V"*), paras. 79, 81.
Kirk v. International Bank for Reconstruction and Development, WBAT Decision No. 29 (1986)

Judgment No. 1999-2 (*Mr. "V"*), paras. 79-81.
Lewin v. International Bank for Reconstruction and Development, WBAT Decision No. 152 (1996)

Judgment No. 2001-1 (*Estate of Mr. "D"*), para. 94 and note 24.
Marchesini v. International Bank for Reconstruction and Development, WBAT Decision No. 260 (2002)

Judgment No. 2005-1 (*Mr. "F"*), paras. 72, 115.
Matta v. International Bank for Reconstruction and Development, WBAT Decision No. 12 (1982)

Judgment No. 1997-1 (*Ms. "C"*), para. 36.
McNeill v. International Bank for Reconstruction and Development, WBAT Decision No. 157 (1977)

Judgment No. 2006-2 (*Ms. "T"*), paras. 37-38.
 Judgment No. 2006-3 (*Ms. "U"*), paras. 37-38 and note 14.
Mendaro v. International Bank for Reconstruction and Development, WBAT Decision No. 26 (1985)

Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), note 70.
Mould v. International Bank for Reconstruction and Development, WBAT Decision No. 210 (1999)

Judgment No. 2002-1 (*Mr. "R"*), paras. 38, 47.
 Judgment No. 2002-3 (*Ms. "G"*), para. 76.
 Judgment No. 2006-6 (*Ms. "M" and Dr. "M"*), para. 128.
Mustafa v. International Bank for Reconstruction and Development, WBAT Decision No. 195 (1998)

Judgment No. 2001-1 (*Estate of Mr. "D"*), para. 106.
N v. International Bank for Reconstruction and Development, WBAT Decision No. 356 (2006)

Judgment No. 2006-5 (*Ms. "AA"*), para. 14.

- Njovens v. International Bank for Reconstruction and Development*, WBAT Decision No. 294 (2003)
 Judgment No. 2005-1 (*Mr. “F”*), paras. 60, 72, 105.
- Nunberg v. International Bank for Reconstruction and Development*, WBAT Decision No. 245 (2001)
 Judgment No. 2005-2 (*Ms “W”*), paras. 22-24, 98.
 Judgment No. 2005-4 (*Ms. “Z”*), para. 74.
- Pinto v. International Bank for Reconstruction and Development*, WBAT Decision No. 56 (1988)
 Judgment No. 1996-1 (*Mr. M. D’Aoust*), para. 23.
 Judgment No. 2002-2 (*Ms. “Y” (No. 2)*), note 30.
- Rae (No. 2) v. International Bank for Reconstruction and Development*, WBAT Decision No. 132 (1993)
 Judgment No. 1998-1 (*Ms. “Y”*), para. 32.
 Judgment No. 2001-1 (*Estate of Mr. “D”*), para. 67.
- Robinson v. International Bank for Reconstruction and Development*, WBAT Decision No. 78 (1989)
 Judgment No. 2001-1 (*Estate of Mr. “D”*), paras. 126-127.
- Romain (No. 2) v. International Bank for Reconstruction and Development*, WBAT Decision No. 164 (1997)
 Judgment No. 2006-2 (*Ms. “T”*), para. 47.
 Judgment No. 2006-3 (*Ms. “U”*), para. 48.
- Salle v. International Bank for Reconstruction and Development*, WBAT Decision No. 10 (1982)
 Judgment No. 2006-2 (*Ms. “T”*), paras. 36, 38, 41-42, 45-46.
 Judgment No. 2006-3 (*Ms. “U”*), paras. 36, 38, 40, 42, 44-45, 47.
- Sebastian (No. 2) v. International Bank for Reconstruction and Development*, WBAT Decision No. 57 (1988)
 Judgment No. 2002-2 (*Ms. “Y” (No. 2)*), para. 53 and note 32.
 Judgment No. 2005-2 (*Ms “W”*), para. 22.
 Judgment No. 2005-4 (*Ms. “Z”*), para. 74.
- Setia v. International Bank for Reconstruction and Development*, WBAT Decision No. 134 (1993)
 Judgment No. 2001-1 (*Estate of Mr. “D”*), paras. 97, 121.
- Shenouda v. International Bank for Reconstruction and Development*, WBAT Decision No. 177 (1997)
 Judgment No. 2003-1 (*Ms. “J”*), paras. 126, 158, 163.
 Judgment No. 2003-2 (*Ms. “K”*), paras. 52, 59, 66, 80, 90, 92, 96, 101 and note 19.
- Taborga v. International Bank for Reconstruction and Development*, WBAT Decision No. 297 (2003)
 Judgment No. 2005-1 (*Mr. “F”*), para. 72.
- van Gent (No. 2) v. International Bank for Reconstruction and Development*, WBAT Decision No. 13 (1983)
 Judgment No. 2004-1 (*Mr. “R” (No. 2)*), para. 25.

Verdier v. International Bank for Reconstruction and Development, WBAT Order (May 15, 1998)

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), note 51.

Mr. Y v. International Finance Corporation, WBAT Decision No. 25 (1985)

Judgment No. 1999-2 (*Mr. "V"*), paras. 78-79.

Yousufzi v. International Bank for Reconstruction and Development, WBAT Decision No. 151 (1996)

Judgment No. 2001-1 (*Estate of Mr. "D"*), paras. 104-105.

Judgment No. 2002-2 (*Ms. "Y" (No. 2)*), para. 40.

WORLD BANK ADMINISTRATIVE TRIBUNAL (WBAT) STATUTE AND RULES OF PROCEDURE

exceptional circumstances in respect of admissibility of Application

Judgment No. 2001-1 (*Estate of Mr. "D"*), para. 99.

Intervention

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), note 17.

jurisdiction

Judgment No. 2001-2 (*Mr. "P" (No. 2)*), note 28.