

**IN THE APPEAL BEFORE THE  
EBRD ADMINISTRATIVE TRIBUNAL**

"the Appellant"

v.

European Bank for Reconstruction and Development

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**Decision by the Administrative Tribunal**

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[23] October 2017

## GLOSSARY

*Capitalised terms in this Decision defined under Section 1.03 of the Appeals Procedures have the meanings ascribed to them therein.*

<b>Appeal</b>	a document submitted by the Appellant (the “Staff Member” or “the Appellant” to the Tribunal against the PARD on 6 June 2017)
<b>APs</b>	Appeals Procedures
<b>EBRD</b>	European Bank for Reconstruction and Development (the “Bank” or the “Respondent”)
<b>GC</b>	the EBRD Grievance Committee
<b>GC Report and Recommendation</b>	the report and recommendations of the Grievance Committee
<b>GPs</b>	Grievance Procedures
<b>PARD</b>	the President’s Administrative Review Decision
<b>RARD</b>	Request for Administrative Review Decision
<b>Tribunal</b>	the EBRD Administrative Tribunal

### 1. Procedural history

The Appellant’s employment with the Respondent was terminated for unsatisfactory performance on 6 March 2015. On 27 March 2015 the Appellant received the Administrative Decision confirming the termination decision, while his request for mediation was denied. The Appellant’s RARD was submitted on 5 June 2015 in a timely manner with a “final” version submitted three days later on 8 June 2015, initiating thus the GC/15/2015 case. The GC determined it had no power under the GPs to grant an extension for the Appellant to file such “final” version of the RARD, the President’s decision followed the GC’s recommendation on its jurisdiction regarding the “final” version of the RARD, and finally the Tribunal ordered in its decision on 18 January 2016 that the GC “exercise its jurisdiction over all elements of the RARD submitted on 8 June 2015.” On 15

February 2017 the GC issued the GC Report and Recommendations confirming the Administrative Decision for the termination of the Appellant's employment. In relation to the Appellant being escorted out of the Respondent's premises during office hours on his last working day, the GC recommended that the Appellant should be awarded compensation for "intangible injury" in the amount of GBP 20,000 for the emotional trauma suffered by the Appellant and the Respondent's failure to act fully in line with its internal rules, due process and fairness, as foreseen under the Staff Regulations and Staff Handbook. Furthermore, the GC recommended awarding costs in the amount of GBP 8,000.

On 8 March 2017 the President of the Bank issued the PARD in GC/15/201510, and decided *inter alia* to uphold the administrative decision to terminate the employment of the Appellant and to grant a relief in total amounting to 12.000 British pounds.

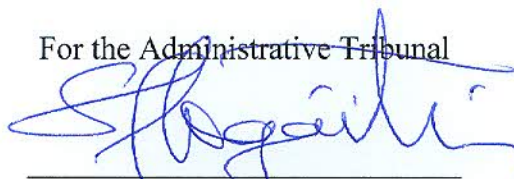
On 6 June 2017, the Appellant delivered his Statement of Appeal ("Appeal") to the Tribunal, initiating an appeal against the PARD relating to his termination of employment on the basis of unsatisfactory performance. The Respondent delivered a "Response" dated 4 July 2017.

1.2 On 21 July 2017, the Appellant withdrew his appeal to the Tribunal and on 27 July 2017 and the Respondent advised the Tribunal by email that "the Bank notes and has no objection to the Appellant's withdrawal of his appeal of the President's decision in GC/15/2015.

## **2. Decision**

On the basis of the foregoing facts, the Tribunal acting by a panel composed of Judges Giuditta Cordero-Moss, Spyridon Flogaitis (Chairman) and Michael Wolf, hereby decides that the case is closed because of the decision of the Appellant to withdraw his appeal and the decision of the President of the Bank of 8 March 2017 stands and produces all its legal effects.

For the Administrative Tribunal



Spyridon Flogaitis  
Professor of Law