

IN THE APPEAL BEFORE THE
EBRD ADMINISTRATIVE TRIBUNAL

Appellant

Vs

European Bank of Reconstruction and Development (EBRD)
(the "Respondent" or the "Bank")

(Cases EBRDAT 2018/AT/01 and EBRDAT 2018/AT/04)

DECISION ON THE PROPOSED JOINDER OF APPEALS

12 NOVEMBER 2018

The Administrative Tribunal

Composed of:

Spyridon Flogaitis (Chair of the Panel)

Giuditta Cordero-Moss (President of the Tribunal)

Michael Wolf



I. The Appellant developed over the time two claims against the EBRD. The two appeals were generated in the same circle of events in her relation with the Administration.

The Appellant having health problems was put on sick leave on 17 January 2017 and she remains in that condition presumably up to now. In July 2017, she met the conditions to receive a Working Incapacity Insurance (WIC) at the maximum annual amount payable and consequently, the Appellant's WIC amount was reflected in her first payslip thereafter, dated 24 July 2017. Three days later, on 27 July 2017, the HR confirmed the fact to the Appellant by letter.

Parallel to this, the Appellant made medical expenses and consequently she asked the Bank to satisfy her Medical Reimbursement Claim.

On 24 November 2017, the Appellant submitted to the President a request seeking an Administrative Review Decision (First RARD) with two claims: first against her payslip of 24 August 2017, the so called WIC claim and second against the presumed refuse of the Bank to pay the 100% of her medical expenses, the so called Medical Reimbursement Claim, as up to that time the Bank had not taken any action on that.

Four days later, on 28 November 2017, the President referred this First RARD for review to the Grievance Committee (GC). On 22 February 2018, GC issued its Report and Recommendations to the President on these matters.

Five days later, on 27 February 2018, the Appellant filed a new request for review for what concerned the WIC claim and the Medical Reimbursement Claim (Second RARD). In the meantime a new Directive on the Administrative Review Process, the so called ARP Directive was issued and following its provisions, the President referred the Second RARD to MDHR for an initial review.

On 14 March 2018, the President issued a decision in respect to the First RARD.

On 28 March 2018 the MDHR informed the Appellant that her Second RARD was inadmissible. On 26 May 2018, the Appellant, unsatisfied, submitted the Second Request for Review to the President. On 13 June 2018, the President decided that the Second Request for Review was inadmissible.

A handwritten signature in black ink, consisting of stylized, cursive letters that appear to be 'SF'.

On 11 June 2018 the Appellant filed an Appeal against the President's decision on the First RARD, the so called First Appeal.

On 5 September 2018 the Appellant filed an Appeal against the President's decision on the Second RARD, the so called Second Appeal.

On 10 September 2018 the Appellant requested that the two appeals be joined.

The Bank responded that despite the fact that the Appeals raise different legal issues, the Bank would have no objections to the proposed Joinder of Appeals, provided that such joinder is without prejudice to the bank's interest.

II. Pursuant to the Rule 7.03 (c) of the Appeals Procedures and Rules of Procedures, the so called AP, the Tribunal may decide on the joinder of pending appeals upon the request of one of the parties, if such request does not prejudice the rights of either party.

The Tribunal observes that the Appeals arise out of the same facts, although they present different legal issues. The Tribunal is of the opinion that joining the Appeals would not prejudice the Parties' right to submit all appropriate arguments regarding both receivability and the merits with respect to each of the legal issues presented in the Appeals. For the sake of efficiency, the Tribunal therefore decides that the Appeals shall be joined. The Bank shall submit its response to both Appeals, jointly, within twenty days from the notification of this decision.

The Bank is further requested to submit, within ten days from the notification of this decision, its comments on the Appellant's request that a description of the Appeals be published pursuant to Rule 4.01(g).

For the Administrative Tribunal:

A handwritten signature in black ink, appearing to read 'Spyridon Flogaitis', written in a cursive style.

Spyridon Flogaitis, Chair of the panel

12 November 2018