

**ADMINISTRATIVE TRIBUNAL OF
THE AFRICAN DEVELOPMENT BANK**

QUORUM:	Professor Maurice Glele Ahanhanzo	-President
	Judge Lombe Chibesakunda	- Vice President
	Professor Christian Tomuschat	-Member
	Judge Pio Marapi Teek	-Member

APPLICATION No. 2001/05

O. A. A., Applicant
African Development Bank, Respondent

Judgment of the Tribunal – delivered on 16 December 2004

I. THE FACTS

1. Mr. A. A. O., the Applicant, was recruited by the Bank on 2 November 1976 as a switchboard operator grade M1 step 4. From 27 July 1977, he was assigned to the management of the dining area and the stocks of pharmaceutical products. In 1983, he was appointed head of the spare parts store in addition to his duties as beverage store manager. On 14 February 1996, he was appointed stores manager. On 3 February 1997, one of the division managers, newly arrived in the Department, Mr. Gandhi, entrusted him with responsibility for receiving orders and managing spare parts and beverage stocks.
2. On 21 October 1998, a Bank internal audit revealed the disappearance of 5605 reams of paper from the Bank's warehouse located in Abidjan's Zone 4. On 11 November 1998, subsequent to a complaint filed by the Bank, the Applicant, as well as two co-workers who, as he, were assigned to the Bank's warehouse (Mr. C. K. K. and Mr. J. N. N.), was questioned by the Ivorian police. The police requested that the immunity be lifted for these three people, which initially the Bank refused.
3. After the creation of a Committee of Inquiry chaired by Vice President Boucher, the Bank questioned the Applicant as well as his two co-workers who were all suspected of being involved in the theft of reams of paper. This Committee submitted its report, which is only a compilation of testimonies, without comments, collected from the people questioned, on 18 November 1998. A week later, on 25 November 1998, the Applicant was suspended without pay, with immediate effect, by a letter signed by Mr. H.P. Van de Moesdijk, Director CHRM. On 26 November 1998, the entire Bank staff was informed of the suspension of three staff members (without specifying names) and the lifting of their diplomatic immunity.

4. The Applicant, as well as his two co-workers, was summoned before the Disciplinary Committee to answer to the accusation of theft of reams of paper against him. The hearing took place on an unspecified date in February 1999. The Disciplinary Committee finalised its report on 24 April 1999. First, the Applicant was not informed of the report's conclusions.
5. These conclusions were clearly in favour of the three people concerned. Literally, the Disciplinary Committee stated:

“The Disciplinary Committee was unable to establish negligence leading to, or culpability or involvement in, the theft of the paper on the part of any of the three staff members. The Disciplinary Committee concludes, therefore, that the charges brought against the staff members cannot be sustained on the basis of the evidence before it, and recommends that the charges should not stand.”

It should be noted that the Disciplinary Committee was not mandated to conduct an investigation for the purpose of clarifying the responsibilities that could have led to the theft of the reams of paper. The only purpose was to shed light on this theft.

6. Despite these conclusions by the Disciplinary Committee, by a letter from the Director CHRM (20 May 1999), which was virtually identical to the letters received at the same time by his two co-workers, the Applicant was dismissed for poor performance. The letter did not specify in detail the facts on which the performance evaluations deemed poor were based. It was limited to pointing out that the dismissal decision was taken following the theft of reams of paper from the warehouse in Zone 4, while taking into account a 1996 Audit Report (ADB/BD/IF/96/261) and the report of the Committee of Inquiry¹. Furthermore, reference was made to Staff Regulation 6.11.1 (ii), which stipulates “The President may terminate the appointment of a staff member if it is established that the services of the staff member have proved unsatisfactory or that the staff member has failed to carry out his duties and obligations satisfactorily”. The Applicant's salary was paid up to 26 April 1999. Furthermore, the Applicant received allowances in accordance with Staff Regulation 6.12.4. In this context, the Applicant signed, on 3 August 1999, a release form intended to clarify legal relations between the parties. The text of this release specified that the payment received by the Applicant constituted a “final and integral settlement”.
7. The Applicant attacked the Bank's letter of dismissal by referring the matter to the Tribunal on 29 July 1999, without first exhausting all the internal remedies available in the Bank to challenge any administrative decision adversely affecting the claimant.

¹ The French text of the dismissal letter is slightly different from the English text. The French text (original) reads as follows: I refer to the various investigations conducted pursuant to the theft of reams of paper from the warehouse in Zone 4, to inform you that Management has taken the Audit Report and the report of the Committee of Inquiry into account, to decide to dismiss you for poor performance...” whereas the English text reads: “With reference to various investigations conducted in connection with the theft of reams of paper from the Zone 4 warehouse, I would like to inform you that Management, taking into account the Audit Report... and the report of the Committee of Inquiry, has decided to terminate your appointment for poor performance...”

Consequently, the Bank filed a motion of inadmissibility pursuant to Article XIV of the Rules of Procedures of the Administrative Tribunal. By a judgment of 14 December 1999, the Tribunal declared this motion well-founded. The Application was therefore dismissed as inadmissible at that time.

8. The steps undertaken by the Applicant to have the decision to dismiss him repealed were not successful with the Bank's Presidency. Therefore, the Applicant seized the Staff Appeals Committee. The latter transmitted its conclusions and recommendations to the President of the Bank on 16 February 2001. They are reproduced hereafter:

- “i) pay to each of the Applicants one (1) month's salary for damages for prejudice suffered in accordance with the indications of paragraphs 23 and/or 22 of the conclusions and recommendations of the Appeals Committee;
- ii) pay to each of the Applicants at least six (6) months' salary for damages. This corresponds to the additional six (6) months' salary that each of the Applicants would have received within the context of termination of appointment with the parties' agreement;
- iii) bring the Respondent, in future, to ensure that dismissals for poor performance are carried out in compliance with the procedure indicated in the internal rules of the Bank in order to avoid any denial of justice as was the case of the Applicants;
- iv) dismiss all the other claims of each of the Applicants”.

9. The Bank did not comply with these recommendations. On the contrary, in a letter of 8 May 2001, it requested the reopening of the proceedings before the Appeals Committee affirming that some essential elements had not been taken into account during the proceedings. The Appeals Committee considered (decision of 21 July 2001) that the request contained no new element and that, in addition, it had not been made within the prescribed time stipulated in its rules of procedure in accordance with general rules evolved by international administrative jurisprudence.

10. By the silence maintained subsequent to the recommendations of the Appeals Committee, the Bank made known by implication that it did not have the same views on the assessment of the facts with regard to these recommendations.

11. The Applicant again seized the Tribunal in an Application dated 11 July 2001. The Bank once more contested the admissibility of the Application by mentioning the renunciation clause contained in the release declaration signed by the Applicant on 3 August 1999. In its interlocutory judgment of 19 July 2002, the Tribunal dismissed that motion of inadmissibility and instructed the Bank to submit a statement on the merits by 20

September 2002 at latest. For all the details, reference is made to the motives of that judgment.

12. The Bank submitted its Answer on 16 September 2002. According to Rule XI (1) of the Statute and Rules of Procedures, the Applicant may submit to the Tribunal a Reply to the Answer within thirty (30) days from the date on which the Answer was transmitted to it unless, upon request, the President sets another time limit. According to documentation kept by the Executive Secretary of the Tribunal, the Applicant received the Answer from the Bank on 8 November 2002. Consequently, the Applicant's Reply should have been submitted by 9 December 2002 at latest. However, this document was not registered in the Secretariat of the Tribunal until 12 December 2002. The Applicant's counsel explains this failure by his absence from Abidjan for personal reasons. He had left strict instructions so that the prescribed deadline would be respected. However, his messenger left the office on 5 December and did not come back, having definitively disappeared since that date. Due to this extraordinary occurrence, he requested that the Tribunal kindly accept his Reply, despite the fact that he had exceeded the time limit for his submission. However, the Bank formally requested that the Tribunal dismiss the Reply.
13. Neither the Statute of the Tribunal nor its Rules of Procedures contain a general rule on Parties failure to comply with procedural deadlines. The Statute stipulates only one rule with regard to the 90-day period during which an Administrative Decision from the Bank can be challenged. (Article III (4)). In this case, the Tribunal can accept a late application "in exceptional circumstances". This provision lends itself to an application by analogy. The Tribunal abstains from passing judgment on whether a counsel's error can and should be attributed to his client. It takes into account the delay that the processing of this case has taken because of occurrences out of the two Parties' control. Compliance with procedural deadlines is necessary especially with regard to parties involved in a controversy before the Tribunal. The delayed submission - which was only three days - of the Applicant's Reply was filed on 12 December 2002, more than 18 months before the hearings. The Bank was not at all inconvenienced. Under these exceptional circumstances, the Tribunal accepts the Reply.

II. The Arguments of the Parties

14. The **Applicant** affirms that the dismissal decision is vitiated by misuse of power. It lacks effective and serious grounds. The Bank had suspected him of involvement in the theft of reams of paper. However, when the procedure before the Disciplinary Committee did not produce the anticipated results, the Bank changed the legal perspective by declaring the dismissal not for misconduct infringing on the rules of discipline, but for unsatisfactory performance. That shows, according to the Applicant, that the Bank had found a pretext in order to be able to found in law the dismissal of which he was a victim.
15. His evaluations in the Bank had always been excellent. During his 23 years of service in the Bank, he had never had any disciplinary sanctions against him and his work had always been appreciated by his supervisors. From 1990 to 1995, his evaluations were excellent. However, he was never informed of his last evaluation for 1998.

16. It was also erroneous to blame him for negligence in the management of stocks. He was only responsible for the deliveries received at the warehouse. All the investigations conducted after the discovery of the theft had produced no indication apt to imply that he was involved in any manner whatsoever in the theft under consideration.
17. Furthermore, the Applicant affirms that dismissal according to Staff Regulation 6.11.1 (ii) requires that a performance evaluation first be established comprising all the relevant criteria in this regard. In such instances it is necessary not to evaluate not just one fact, one action or an isolated situation, but rather “the entire service profile of the person concerned”, the development of his manner of working, various degrees of his skills over a more or less lengthy period of time. If a Bank staff member committed an error, dismissal is legal only on the basis of Staff Regulation 6.11.1 (iii). The simple failures observed in the said reports can be no substitutes for the performance evaluation.
18. The 1996 Audit Report cannot be held against him because it was stamped confidential and was not diffused to staff members.
19. Finally, the Applicant criticises the Bank’s silence regarding the recommendations from the Appeals Committee. He mentions that the Bank has never cleared him of the accusation of theft, that it broke his contract by invoking unsuitable and erroneous motives, and that it has abstained, without justification, from making up for the errors it had committed.
20. The **Bank** requests the dismissal of the Applicant’s arguments. It submits that it did not compound the disciplinary procedure and the administrative procedure predisposed to sanction poor performance. Clearly the Applicant had been dismissed for unsatisfactory service to the Bank on the basis of Staff Regulation 6.11.1 (ii).
21. As regards the key reason for the Applicant’s dismissal, his poor performance, the Bank contends that the Audit Report of 13 November 1996 could very well serve as the basis for a negative judgment. Although the text of this report was dealt with as confidential at the time of its adoption, the observations in the said report were not. The Bank was compelled to implement them and therefore inform the different relevant services concerned. When the report was published in 1996, the Applicant had already been store manager at the Bank for nearly nineteen years. It was therefore “highly unlikely that the Applicant had not had to implement, on a daily basis, the standards or performance criteria in carrying out his duties as stock-keeper as stipulated in the Audit Report and that the existence of the said report not be known to him”.
22. The Bank sees a serious breach of duty by the Applicant in the fact that on 9 October 1998 he went to the warehouse without an issue voucher, he took out 500 reams of white paper and 55 reams of blue paper and that he had repaired this omission by writing these quantities on a Headquarters warehouse entry file only on 20 October 1998, that is to say 11 days later, while backdating this entry to 9 October 1998.

23. The Bank sustains the dismissal also on the grounds of the Applicant's poor evaluations for 1996 and 1997, emphasising however that these evaluations were not directly taken into account, but rather as a general context to correctly assess the Applicant's professional profile. It notes that the Applicant only makes reference to his evaluations for past years (1990 to 1995) without mentioning that the two years preceding the theft his performance were no longer so highly appreciated. Moreover, on 22 April 1997 the Applicant's performance in 1996 was considered unsatisfactory, for which the Applicant received a "D", that is to say the lowest rating that a staff member can be given. It was suggested by his supervisor that he should be transferred to another sector. For 1997, his supervisor, Mr. Gandhi, on 5 August 1998, summarised his assessment of the Applicant's performance as follows:

"-His productivity is low, requires close supervision

-Though old on the job, he does not assume responsibility

-No initiatives".

From these observations Mr. Gandhi eventually drew the following conclusion:

"Not skilled for the job"

24. The Bank affirms that it never publicly denounced the Applicant as the alleged author of the theft. It did initiate the required procedures, as was its duty. However, it never mentioned the Applicant's name except in these formal procedures.

III. CLAIMS MADE BY THE PARTIES

25. The Applicant considers that the Bank, because of the violation of his employment contract, is obliged to pay him the following amounts:

1) Compensation for abuse of power for the dismissal decision:
CFAF 41, 586, 336

2) Compensation for refusal to respond after the conclusions and recommendations of the Appeals Committee: CFAF 27,724,224;

3) Damages for moral prejudice: CFAF 41,586,336

4) Damages for financial prejudice: CFAF 27,724,224

5) Reimbursement of airplane tickets: amount not specified

6) Reimbursement of baggage costs: amount not specified;

7) Leave: CFAF 3, 272,986

8) Reimbursement of legal fees: CFAF 1,100,000.

- 26. No specific justification was given to calculate these amounts.
- 27. The Bank requests that the Tribunal dismiss the Applicant's Application

IV. THE PROCEDURE

- 28. After completion of the written procedure, the oral hearing took place on 21 and 22 July 2004.

V. THE LAW

- 29. The Tribunal must state and judge whether Staff Regulation 6.11.1 (ii) could legitimately serve as a basis for the dismissal decision that was taken against the Applicant on 20 May 1999. According to this provision, the President can terminate a staff member's appointment "if it is established that the services of the staff member have proved unsatisfactory or that the staff member has failed to carry out his duties and obligations satisfactorily".
- 30. The Tribunal is not convinced by the affirmations of the Applicant according to which the breach of deontological obligations by a Bank staff member can only be sanctioned on the basis of Staff Regulation 6.11.1 (iii). The Bank should be in a position to guarantee optimal performance of its services at any time. Should it discover that one of its staff members is not up to the task that has been assigned to him, it should be in a position to correct this shortcoming by drawing the consequences that are required.
- 31. In any event, an equitable procedure must be ensured for the persons concerned so that they can defend their rights by demonstrating that the accusations against them do not correspond to the reality of the facts. Staff Regulation 6.11.3 stipulates for this purpose that the President shall establish an administrative mechanism for the termination of appointment foreseen in paragraph (ii) of Regulation 6.11.1. The interpretation of this provision leads to the conclusion that such mechanism must specifically cover any instances where a staff member is dismissed for unsatisfactory performance, i.e. a mechanism in addition to the mechanisms that already exist within the Bank and which permit a posteriori administrative review of decisions taken against staff. Clearly therefore this mechanism is to be understood as a preliminary procedure, that precedes a dismissal envisaged by the Bank.
- 32. The Tribunal notes that this mechanism does not yet exist. It was not introduced by Staff Rule 6.11.02, which is essentially limited to repeating the words pronounced in Staff Regulation 6.11.1. (ii). However, this omission on the part of the Bank does not make illicit, at the current time, all the dismissals pronounced by the Bank, given that the significance and the scope of the regulation in question have not been recognised within the Bank, not even by staff representatives. Above all, it should be noted that the Staff

Regulations became effective only on 20 March 1998, just a few months prior to the Applicant's dismissal. It is apparent that the drafting of an appropriate mechanism requires careful preparation. Nevertheless, it is the Bank's responsibility to implement Regulation 6.11.3 as soon as possible.

33. In the dismissal letter, the Bank made explicit reference to two reports, the Audit Report of 13 November 1996 and the Report of the Committee of Inquiry, which had been chaired by Vice President Boucher himself. Although the Bank has very broad discretion concerning the qualification of the performance of one of its staff members, the relevant decision cannot escape all jurisdictional control. If the employer justifies its action based on the grounds of some documents, these documents should in fact be apt to provide the alleged justification.
34. The Tribunal also notes that the fact of having emphasized two documents does not mean that all the other means of proof are excluded. The Bank "took into account" the two specifically identified reports, but it clearly refers to all the investigations that were carried out after the theft, and therefore also the knowledge that it acquired from these investigations. The two reports thus do not constitute the only basis that permitted the Bank to assess the Applicant's conduct.
35. First of all, as regards the Audit Report of 13 November 1996, the Tribunal is not convinced that this report permits a negative judgment to be made on the Applicant's performance. The text of the report initially remained confidential. The Bank was not capable of proving how it had been brought to the Applicant's knowledge. In an extremely cautious manner, it limits itself to affirming, "it is highly unlikely that, each day, the Applicant did not apply the standards and performance criteria for the tasks prescribed by the audit and that this audit was not known by him". This negative presumption does not constitute a valid basis for so serious a decision as the dismissal of a staff member. This conclusion is all the more warranted since, from the production of the report in November 1996 up to October 1998, the Bank apparently did not make any effort to translate this report's recommendations into concrete acts.
36. Before the Disciplinary Committee, Mr. B. Sidibe, Director CADM, stated in brief at an unspecified date (but which is situated between 25 January 1999 and 24 April 1999):
 - (a) Mr Sidibe described the stock management system as unreliable. This, he stated, was primarily due to bad management. He revealed that up to the time of his appointment as Director, the Department had no inventory and stock management system. This resulted in shortages and panic buying.
 - (b) Mr. Sidibe stated that the storekeepers were unqualified, poorly supervised and operated without any knowledge of rules, regulations or an operational manual.
 - (c) Mr. Sidibe revealed that no one in the stock management system knew what goods were available or not. On several occasions shortages of office

supplies were reported when the items in question were available at the warehouse.”

37. Likewise, Mr. J.H. Gandhi, Manager CADM.1, on the same occasion stated that serious flaws existed in the stock operational system (once again a summary):

“...there was a crisis in the Bank’s stock management system because of the absence of inventory and effective control. This, he stated, was compounded by the lack of clearly defined rules and responsibilities of the staff members involved.”

38. This evidence, collected over two years after the production of the report, clearly falls on the Bank’s management. Lower ranking staff members cannot be begrudged for not having taken measures that should have been taken by those responsible for the organisation of the services concerned. The Audit Report of 13 November 1996 very clearly recommended (item 2.4) that:

“a circular should be issued to recall to all the departments, the rules and procedures in force vested in CADM regarding the reception of all goods belonging to Bank properties”.

It would appear that this recommendation was not followed. In fact, at the hearing the Bank’s representatives were not capable of indicating to the Tribunal the appropriate measures that had been taken. They limited themselves, essentially, to affirming that the report was accessible to all. For a lower ranking staff member, who is accustomed to following instructions which he carries out, the mere fact of accessibility is not sufficient to derive therefrom a duty of obedience. In this context, the Tribunal wishes to recall its observations in the case of *N.* (paragraph 56).

39. However, the Committee of Inquiry pinpointed facts that seriously compromised the Applicant. The Applicant was compelled to acknowledge, during his hearing before that Committee on 18 November 1998, that he had entered the warehouse on 9 October 1998 and that he had taken out a large quantity of paper without an issue voucher. An Audit Report of 1 December 1998 gave more details on this incident:

“ On 9 October, Mr. O., accompanied by Messrs YARRAH, HOUSSEINY and SOOLEY (driver) went to the Bietry warehouse (between 8h50 and 10h10) and took out 500 reams of white paper and 55 reams of blue paper. These supplies raise the following problems:

- the quantities of reams of white paper in stock in the Headquarters’ warehouse at that time (400 reams) did not justify such a quantity;
- this entry was registered at Headquarters’ warehouse on 20 October 1998 (or three (3) weeks after being taken out of Bietry) and backdated 9 October;

- the entry of 500 reams of paper stems from a request by SEGL which was stamped by Mr. O. on 14 October 1998 (therefore, in principle, these reams of paper were handed over to SEGL at that date)".

40. The Applicant did not challenge the charges brought against him by the Bank, except with regard to his personal evaluation for 1996 and 1997. The Tribunal can therefore base its considerations on the facts as they are mentioned in paragraph 39 above.
41. It is quite true, as brought out mainly in the declarations of Messrs. Sidibe and Gandhi, that the warehouse's management lacked a complete and coherent system of regulations. However, some minimal rules existed that resulted from the very nature of the task entrusted to the Applicant. Moreover, a control system by issue vouchers had always been in use by the Bank, as also shown in the Audit Report of 13 November 1996 (item 2.1). The observations mentioned in paragraph 39 above show that the Applicant was considerably negligent in carrying out his duties, which cast a highly unfavourable light on his sense of responsibility. It is fatal for a store manager not to carefully register the exit of all material. His major duty is to see to it that stock can be inventoried with accuracy at any time. Should he fail to comply with basic rules of his duties, his reliability is affected. He no longer offers the guarantees that his employer requires.
42. The Tribunal considers that the Bank was not impeded, under these conditions, from also taking into account evaluations that the Applicant had received before the theft affair was opposed. The evaluation for 1996 is damning for the Applicant, and he was not in a position to offer the least explanation for the deterioration of his services noted by his supervisors. Regarding 1997, the circular from Vice President Boucher of 5 June 1998 according to which the Bank's management had "decided that the results of the 1997 evaluations would not be used by management to take decisions affecting the career of the staff member" concerned. However, it was normal for the Bank to consider that, given the Applicant's personal file, his performance continued to decline. It could not ignore the overt facts demonstrated before its eyes.
43. Moreover, the Tribunal cannot replace the Bank's judgment with its own judgment. Its assessment must be limited to verifying whether the Bank could have valid motives to doubt the Applicant's reliability. Given the facts related above, the Tribunal considers that the Bank adequately detailed the reasons that led to the Applicant's dismissal. The Tribunal cannot dismiss the Respondent's arguments as being arbitrary or void of factual basis.
44. It is in vain that the Applicant invokes the Tribunal's judgement of 19 July 2002 in the *N.* case (Application N0. 2001/03) as a precedent likely to guide its assessment of facts also in this case. The only criticism the Bank had made against Mr. N. was that he had not followed the recommendations of the Audit Report of 13 November 1996. Mr. N. had assumed duty in stock management only on 1 October 1997, and at that time no one had informed him of the content of this report and the lessons he should learn. Even after his dismissal, the Bank refused to give him a copy of the report. The Tribunal therefore

considered that the Bank could not blame Mr. N. for having violated rules, the content and scope of which he had never been informed.

45. Review of the facts that it is called on to assess leads the Tribunal to the conclusion that the dismissal letter of 20 May 1999 is based on solid facts so that all the conditions of applicability of Regulation 6.11.1 (ii) were satisfied.
46. Nevertheless, this letter contains an obvious error in that it pronounces the Applicant's dismissal with retroactive effect from 26 April 1999. According to the regime instituted by Staff Regulations, a staff member who is dismissed pursuant to the terms of Regulation 6.11.1 paragraph (ii) has the right to six (6) months notice. The dismissal therefore could not take effect retroactively.
47. It is quite true that the Applicant signed the "ADB Release form, acceptance of the settlement of the termination allowance and the return of all ADB documents" on 3 August 1999 as a "final and integral settlement". Nevertheless, as clearly indicated by the title of the form, the "final and integral settlement" concerns first and foremost the termination allowance. To deprive the Applicant of his six months' notice would have been possible only for serious misconduct or following a disciplinary measure. As the Respondent insisted on pointing out during the proceeding, the dismissal was made on the basis of Staff Regulation 6.11.1 (ii) for unsatisfactory performance. The Tribunal considers that, under the circumstances of this case, the Applicant's declaration of 3 August 1999 does not include the six months notice, including the period between 26 April and 20 May, to which he is entitled.
48. The Applicant did not request a specific amount corresponding to six months notice. However, he made several claims that go even further. The Tribunal therefore does not break the rule "*non ultra petita*" by allocating this amount.
49. The Tribunal notes that the Bank conducted all the investigations with the necessary caution. By abstaining from publishing the names of the accused persons, the Bank tried, insofar as possible, to avoid adversely affecting the Applicant's good reputation. In this regard it cannot be criticized.
50. Since the Bank, to a certain extent, contributed to the legal problems of the dispute, especially by the hasty manner of the dismissal procedure and the overly concise drafting of the letter of 20 May 1999, the Tribunal considers that it is right to award the Applicant a certain amount to cover part of his legal fees.

VI. THE DECISION

51. The Tribunal orders the following:

- 1) The Bank shall pay the Applicant a sum corresponding to six months notice, including the period between 26 April and 20 May 1999 pursuant to Staff Regulation 6.12.3.
- 2) The Bank shall pay the Applicant the sum of \$1000 to partially cover his legal expenses.
- 3) The Applicant's other claims are dismissed,

Professor Maurice GLELE AHANHANZO

- President

Albertine LIPOU MASSALA

- Executive Secretary

COUNSEL FOR THE APPLICANT:

- Me Mohamed KABA

REPRESENTATIVE OF THE RESPONDENT:

- Mme Omerine NINON, Representative from the Human Resources Department (CHRM)

LEGAL COUNSEL FOR THE RESPONDENT:

-Mr. George ARON

Assisted by

- Mr. Godfred PENN