

**ADMINISTRATIVE TRIBUNAL
OF THE AFRICAN DEVELOPMENT BANK**

QUORUM:	Professor GLELE AHANHANZO	President
	Professor Christian TOMUSCHAT	Member
	Professor Yadh BEN ACHOUR	Member
	Judge Salihu Modibbo Alfa BELGORE	Member

APPLICATION No. 2004/08

Ms. Arrah Mary BATE, Applicant
African Development Bank, Respondent

Order delivered on 22 November 2007

I. THE FACTS

1. The Applicant, Ms. Arrah Mary BATE, was recruited by the African Development Bank on 4 October 1991. At the time of the circumstances of this case, she occupied the position of Principal Secretary in the Financial Control Department.
In February 2003, she was informed that she would be among the 400 staff designated to leave Abidjan for Tunis, within the framework of the relocation of Bank operations. The Applicant arrived in Tunis on 11 February 2003. Her complaint is that, following the change in the mission status as decided by the Board of Directors through Resolution B/BD/2003/05 of 2 April 2003, she encountered several financial and installation difficulties which caused her both material and moral injury, for which she seeks compensation.
2. During the proceedings, the Respondent raised a motion to dismiss. By its judgment of 1 December 2005, the Tribunal upheld this motion to dismiss insofar as the Application sought to directly challenge regulatory decisions, however rejecting this motion with regard to all the other aspects of the Application.

II. THE PROCEDURE

3. The main purpose of the Application submitted on 30 August 2004 is to contest the change in mission status, pursuant to the above-mentioned Resolution B/BD/2003/05. In its response of 28 December 2005, the Bank contests the basis of the application and requests the Tribunal to fully reject the Applicant's claims. The Applicant filed her reply on 28 February 2007, followed by a Rejoinder from the Respondent, filed on 4 April 2007.
4. With the case ready for hearing, the secretariat of the Administrative Tribunal was however informed on 13 November 2007, by a letter from the Applicant's Counsel that the Counsel

would not be able to attend the hearing, owing to poor health. A request for postponement was thereby submitted on the Applicant's behalf.

5. At the hearing of 19 November 2007, the Bank's Representative raised no objection to the postponement of the case. The Tribunal therefore takes due note and places it on record that the two parties have agreed on the postponement of the case to the next session of the Tribunal.

III. THE DECISION

6. On these grounds,

The Tribunal directs that the hearing of this case be deferred to the next session of the Administrative Tribunal.

Professor Maurice GLELE AHANHANZO

President

Mrs. Marie Lydie BILE-AKA

Ad Hoc Executive Secretary

THE APPLICANT

Absent

RESPONSENT'S COUNSEL

Mr. Dotse TSIKATA