

ASIAN DEVELOPMENT BANK ADMINISTRATIVE TRIBUNAL

**Decision No. 86-A
(27 October 2008)**

**Anjum Ibrahim
v.
Asian Development Bank**

**Florentino Feliciano, President
Arnold Zack, Vice-President
Khaja Samdani
Claude Wantiez
Yuji Iwasawa**

1. On 16 August 2008, the Tribunal rendered its Decision reading in part as follows:

2. The Applicant shall be reinstated to her former Level 4 position and made whole for all earnings and benefits lost with restitution of her benefits and entitlements to the level they would have been but for the Bank's actions.

3. Should the President of the Bank decide that the Applicant shall be compensated without further action being taken in the case, pursuant to Article X paragraph 1 of the Statute of the Tribunal, the Tribunal fixes the amount of additional compensation to be paid to the Applicant at three years' basic salary.

2. Thereafter, on 5 September 2008, the Applicant sent an email to the Tribunal requesting for a clarification on whether the above-quoted Decision "is an either/or decision."

3. Upon instruction of the Tribunal, the Bank, having been furnished with a

copy of the Applicant's email dated 05 September 2008, was directed to comment on said request for clarification. The Bank, on 18 September 2008, filed its Comment on Applicant's request for clarification. Two follow-up emails were sent by the Applicant to the Tribunal on 22 September 2008 and 24 October 2008.

4. By a letter dated 30 September 2008, the Director of the BPMSD advised the Applicant that the President of the Bank had decided that, in the interest of the Bank, the Applicant shall be compensated with three years basic salary, without further action being taken in the case, and pending clarification of the Tribunal's Decision of 15 August 2008.

5. For the information of the parties, the Tribunal considers that there is no need for clarification considering that the Decision dated 15 August 2008 is quite clear.

DECISION

6. The Tribunal unanimously confirms and reiterates that its Decision No. 86 dated 15 August 2008 in the instant case requires (a) that the Applicant be made whole for all lost earnings and benefits and (b) in addition to that, the payment of an amount equivalent to three years of her basic salary. The specific reasons for these dispositions are set forth in Paragraphs 61-70 of our Decision No. 86 dated 15 August 2008.