

Order No. 2005-1

Mr. “F”, Applicant v. International Monetary Fund, Respondent
Assessment of compensable legal costs pursuant to Judgment No. 2005-1

The Administrative Tribunal of the International Monetary Fund,

- having decided in Mr. “F”, Applicant v. International Monetary Fund, Respondent, IMFAT Judgment No. 2005-1 (March 18, 2005), paras. 123-124 and Decision, para. 4, that the Fund shall pay Applicant the reasonable costs of his legal representation in accordance with Article XIV, Section 4¹ of the Tribunal’s Statute, and
- having considered Applicant’s statement of costs and the Fund’s response,

unanimously adopts the following decision:

First: The Administrative Tribunal has reviewed the claims considered in the case of Mr. “F”, the relative centrality and complexity of those issues and their ultimate disposition by the Tribunal. Applicant was not successful on his principal and most complex claim, that the abolition of his position represented an abuse of discretion by the Fund. Applicant did, however, prevail on his claims that the Fund failed: a) to take effective measures in response to the religious intolerance and workplace harassment of which Mr. “F” was an object; and b) to give him reasonable notice of the abolition of his post. As to a claim that the Fund failed to make the requisite efforts to reassign Applicant to another position consistent with his qualifications and the requirements of the Fund, the Tribunal decided that fault was to be borne by both parties and declined to award compensation to Applicant.

Second: Although Applicant did not succeed on his principal claim, the Administrative Tribunal considers that the record assembled and argued by Applicant’s counsel in pursuit of that claim

¹ Article XIV, Section 4 provides:

“If the Tribunal concludes that an application is well-founded in whole or in part, it may order that the reasonable costs incurred by the applicant in the case, including the cost of applicant’s counsel, be totally or partially borne by the Fund, taking into account the nature and complexity of the case, the nature and quality of the work performed, and the amount of the fees in relation to prevailing rates.”

was indispensable to the Tribunal's award to Applicant of substantial relief on other substantial counts, and that accordingly the Fund should bear the great majority of Applicant's legal costs. Third: Therefore, in accordance with the requirements of Article XIV, Section 4 of the Statute, taking into account the nature and complexity of the case, the nature and the quality of the work performed, and the amount of the fees in relation to prevailing rates, the Administrative Tribunal hereby assesses the reasonable costs of Applicant's legal representation in the amount of \$49,833.50, i.e. seventy-five percent of the total amount submitted.

Stephen M. Schwebel, President

Nisuke Ando, Associate Judge

Michel Gentot, Associate Judge

Stephen M. Schwebel, President

Celia Goldman, Registrar

Washington, D.C.
April 18, 2005