



JOINT APPEALS BOARD

CASE NO. ISBA/JAB/APPEAL/ BOURREL-MCKINNON/GRIEVANCE 7/2025

Marie Bourrel-McKinnon
(the “Appellant”)

v.

Secretary General of the International Seabed Authority
(the “Respondent”)

Order No. 16 (2025)

Order on Compliance with Staff Separation and Clearance Procedures

Procedural background

1. The present Order concerns Grievance 7, submitted by the Appellant before the Joint Appeals Board (JAB/Board) of the International Seabed Authority (ISA/Authority). The Appellant, who held the position of Chief of Staff and Head of the Strategic Planning Unit at the D-1 level under a Fixed-Term Appointment valid until 31 December 2028, having been separated from service, contests the Respondent’s decision of January 2025 declining payment of certain entitlements allegedly due to her under the Staff Regulations and Rules.
2. On 13 January 2025, the Human Resources Officer of the ISA transmitted to the Appellant a separation *memorandum* dated 7 January 2025 outlining the procedures applicable to staff separation, including requirements to facilitate payment of final entitlements.
3. On 15 January 2025, the Appellant instructed her Counsel to respond to the Human Resources Officer on her behalf.
4. On 29 January 2025, the Appellant requested administrative review of the Respondent’s refusal to pay her entitlements.

5. By email of 30 January 2025, an ISA Senior Finance Officer transmitted to the Appellant her payslip for January 2025.
6. On 12 February 2025, the Appellant received a notice of remittance in the amount of USD 14,281.85.
7. On 27 February 2025, the Administration dismissed the Appellant's request for administrative review, noting that no administrative decision had been taken denying her due entitlements.
8. On 9 July 2025, pursuant to the Chair's request, the Respondent was invited to confirm whether all payments and entitlements due to the Appellant upon her separation had been processed.
9. On 16 July 2025, the Respondent replied, confirming that the Appellant's separation entitlements would be processed in due course, but reiterating the position that the appeal was not receivable under Staff Rule 11.2, as no specific administrative decision had been identified. The submission was transmitted to the Appellant with an invitation to provide comments by 24 July 2025.
10. On 24 July 2025, the Appellant filed her comments, asserting that the Respondent had failed to comply with the JAB's directive. She maintained that several entitlements including annual leave, repatriation travel and grant, relocation shipment, pension accruals, and termination indemnity remained unpaid, miscalculated, or unverified. These comments were transmitted to the Respondent for further observations.
11. On 31 July 2025, the Respondent submitted additional comments, stating that all entitlements would be processed together with other separation-related payments, subject to the Appellant's compliance with the separation memorandum.
12. On 15 August 2025, the Appellant filed her final reply, confirming acceptance of most of the entitlements as notified. She further sought confirmation that the JAB possessed the authority to award damages.

Analysis

13. The Respondent maintained that the Appellant did not complete clearance procedures required under ISA Staff separation law/practice as a prerequisite to the release of final entitlements, in particular the return of office property, and that this has prevented the processing of final payments.
14. In her submissions, the Appellant has framed any delay or omission as being attributable to the Administration's alleged failure to provide the necessary forms, guidance,

and assistance to facilitate the separation process. While she has advanced this contention, she has not specified what steps she herself undertook to seek or obtain clearance, nor has she presented supporting documentation to demonstrate partial or full compliance with the established requirements.

15. The JAB cannot determine responsibility for the delay in processing final entitlements without a clear record of (a) the steps taken by the Appellant to comply with clearance obligations, (b) the dates on which such steps were undertaken, and (c) the corresponding response, or lack thereof, by the Administration. Only with such information can the JAB properly assess whether the alleged non-compliance is attributable to the Appellant, to deficiencies in the Administration's guidance and support, or to a combination of both.

16. Accordingly, in order to reach a fair and reasoned determination on Grievance 7, the JAB must first obtain from the Appellant a detailed, chronological account of her actions in relation to the clearance process, together with any documentation that would substantiate her assertions.

Order

17. **IT IS HEREBY ORDERED** that the Appellant shall, no later than 25 September 2025, submit to the Board a detailed account of the steps undertaken in connection with the clearance process, including:

- (a) copies of forms, correspondence, or other documentation exchanged; and
- (b) any evidence of attempts to return any specific office property or otherwise comply with separation requirements.

18. The Respondent shall have 15 working days from the receipt of the Appellant's submission to file comments thereon.

19. Further consideration of the appeal is deferred pending receipt of the parties' submissions.

Order dated this 4th day of September 2025



Judge Martha Halfeld Furtado de Mendonça Schmidt

Chair of the Joint Appeals Board