

# **UNDT/2011/047, Ernst**

## UNAT Held or UNDT Pronouncements

Award of allowances: The award of an allowance is contingent upon the existence of a written text. The fact that, in breach of the applicable provisions, the Administration granted the end-of-service allowance to staff members who were in the same situation as the Applicant cannot serve as a basis for awarding the allowance to her. Applicability of national laws: National legislations are not directly applicable to UN staff members, and it is for UN authorized bodies to implement such legislation into the internal laws of the UN. Judicial review: The Tribunal has no jurisdiction to interpret unambiguous provisions.

## Decision Contested or Judgment/Order Appealed

The Applicant challenged the decision to reject her claim to end-of-service allowance on the grounds that she did not fulfil the requirements set out in UN/INF.243.

## Legal Principle(s)

N/A

## Outcome

Dismissed on merits

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Ernst

## Entity

UNODC

## Case Number(s)

UNDT/GVA/2010/026

## Tribunal

UNDT

## Registry

Geneva

## Date of Judgement

7 Mar 2011

## Duty Judge

Judge Cousin

## Language of Judgment

English

French

## Issuance Type

Judgment

## Categories/Subcategories

Benefits and entitlements

Separation from service

Standard of review (judicial)

Judicial review (general)

## Applicable Law

### Administrative Instructions

- ST/AI/2001/8

### Information Circulars

- UN/INF.243

### Staff Rules

- Rule 104.15(b)(ii)