

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)