

UNDT/2011/108, Scott

UNAT Held or UNDT Pronouncements

Method of interpretation: The interpretation of a statutory document proceeds first by establishing the plain meaning of the words in the context of the document as a whole. Only if the wording is ambiguous should the Tribunal have recourse to other documents or external sources to aid in the interpretation. Respondent's discretion in providing benefits: As a matter of principle, the Administration has no discretion in the granting of allowances but is bound to strictly apply the applicable rules. Outcome: Application rejected on the merits

Decision Contested or Judgment/Order Appealed

In 2008, the Applicant claimed and received a full dependency benefit for his spouse, indicating that her expected income would be USD34,200. In 2009, he certified that his spouse's income for 2008 had in fact amounted to USD47,236. Based on this reported income, the Administration considered that the Applicant was not entitled to a full dependency benefit for 2008 because his spouse's income for that year had exceeded the maximum amount set under former staff rule 103.24(a). It however determined that the Applicant was entitled to an adjusted dependency benefit in accordance with ST/AI/2000/8, and it started to recover the overpayment. The Applicant objects to the Administration's method of calculation. In particular, he submits that, for the purpose of determining the maximum amount set under staff rule 103.24(a), account should be taken of "equivalent purchasing power between duty stations". The Tribunal considers that the Applicant's reliance on the concept of purchasing power is not supported by the plain meaning of former staff rule 103.24(a). It accordingly dismisses the application.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Scott

Entity

ICTY

Case Number(s)

UNDT/GVA/2009/091

Tribunal

UNDT

Registry

Geneva

Date of Judgement

22 Jun 2011

Duty Judge

Judge Shaw

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

TEST -Rename- Benefits and entitlements-45

Dependency benefits

Applicable Law

Administrative Instructions

- ST/AI/2000/8
- ST/AI/2000/8/Amend.2

Former Staff Rules

- Rule 103.24(a)

Related Judgments and Orders

UNDT/2009/086

2010-UNAT-049