

# **UNDT/2017/001, Fayache**

## **UNAT Held or UNDT Pronouncements**

The Applicant does not contest a decision of the Secretary-General but a decision of UNJSPF, which he claims was communicated to him by the Chief of the Office of the UNJSPF at Geneva. The Tribunal has already stated in the past that it is not competent to review UNJSPF decisions. UNJSPF is an entity established to provide retirement, death, disability and related benefits for the staff of its various member organizations. The Secretary-General has no role in the administration of UNJSPF benefits. The UNJSPF is also not one of the agencies, organizations or entities “where a special agreement has been concluded between the agency, organization or entity concerned and the Secretary-General of the United Nations to accept the terms of the jurisdiction of the Dispute Tribunal”, as set forth in article 2.5 of the UNDT Statute. Moreover, section K of the Administrative Rules of UNJSPF, on review and appeal, describes the procedure for requesting a review and filing an appeal against any decision taken by the Staff Pension Committee of each member organization, or by its secretary, “in the exercise of powers conferred by the Regulations or these Rules”. Finally, in order to contest the decision, the Applicant must pursue a different procedure from the present one, and before other bodies.

## **Decision Contested or Judgment/Order Appealed**

The Applicant contested the decision of the United Nations Joint Staff Pension Fund to reject his request for his spouse to be named as beneficiary of the survivor benefits associated with his pension.

## **Legal Principle(s)**

The Tribunal’s competence is clearly defined and limited by art. 2.1 of its own Statute and is a matter of law which can be decided even if it has not been raised by the parties and without the application being served to the Respondent.

## Outcome

Dismissed as not receivable

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Fayache

## Entity

UNCTAD

## Case Number(s)

UNDT/GVA/2016/111

## Tribunal

UNDT

## Registry

Geneva

## Date of Judgement

3 Jan 2017

## Duty Judge

Judge Bravo

## Language of Judgment

English

French

## Issuance Type

Judgment

## Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Subject matter (ratione materiae)

United Nations Joint Staff Pension Fund (UNJSPF)

Survivor's benefits

## Applicable Law

Laws of other entities (rules, regulations etc.)

- Administrative Rules of UNJSPF
- UNJSPF Rules and Pension Adjustment System of the Fund (JSPB/G.4/Rev.19 of 1 January 2014)

UNAT Statute

- Article 2.9

UNDT RoP

- Article 10.5(b)
- Article 9

UNDT Statute

- Article 2.1
- Article 2.5

UNJSPF Regulations

## Related Judgments and Orders

UNDT/2014/048

2013-UNAT-335

UNDT/2013/141

UNDT/2013/147

UNDT/2014/027

UNDT/2015/065