

2010-UNAT-004, Neville

UNAT Held or UNDT Pronouncements

UNAT considered the Appellant's appeal and affirmed the decisions of UNJSPB Standing Committee. UNAT found that the Appellant's first ground of appeal had no merit, noting that the Appellant had prior notice of her separation and could have exercised her right to restore her participation prior to the time of her separation in accordance with Section F. 1 of the Pension Fund's Administrative Rules, which she failed to do. UNAT held that UNJSPF Standing Committee had no discretion to make an exception in this case and the Standing Committee's decision not to restore the Appellant's prior contributory service with the Food and Agriculture Organisation did not violate her rights. UNAT also dismissed the Appellant's second ground of appeal, noting that any challenge that may lawfully be raised by her against her medical clearance was not within the UNJSPF Standing Committee's jurisdiction to consider since the review before the Pension Board did not involve a disability claim. UNAT accordingly dismissed the appeal in its entirety.

Decision Contested or Judgment/Order Appealed

The Applicant requested the World Health Organisation Staff Pension Committee (WHO/SPC) to consider her case for restoration under Section K. 5 of the UNJSPF Administrative Rules, including review by a Medical Board under Section K. 7. WHO/SPC denied her application and the Applicant appealed that decision to the Standing Committee of the UNJSPB, which upheld the decision not to restore her prior contributory service, as her request was time-barred. The Applicant's request for convening a Medical Board was also rejected on the grounds that "her case did not concern a disability case".

Legal Principle(s)

Restoration of prior contributory service upon reentering the Pension Fund is not automatic. If a participant re-entering the Fund elects to have his or her prior contributory service restored, he or she must give notice in writing no later than one year after the recommencement of participation. Where there is a separation within less than one year after the recommencement of participation then the notice must be given before the date of the separation. The period which can be restored is only the most recent prior to his or her re-entry. Where the outcome of a review turns in whole or in part on the medical conclusions on which the disputed decision was based, the staff pension committee, or the Standing Committee as the case may be, shall obtain the advice of a medical board on the correctness or otherwise of such conclusions before proceeding with the review.

Outcome

Appeal dismissed on merits

Outcome Extra Text

No relief ordered; No relief ordered.

Full judgment

[Full judgment](#)

Applicants/Appellants

Neville

Entity

UNJSPF

Case Number(s)

2009-005

Tribunal

UNAT

Registry

New York

Date of Judgement

30 Mar 2010

President Judge

Judge Adinyira

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

United Nations Joint Staff Pension Fund (UNJSPF)

Prior contributory service/restoration of

Standing Committee of UNJSPB (UN Joint Staff Pension Board)

Applicable Law

UNJSPF Administrative Rules

- Rule F.1
- Rule K.7(a)

UNJSPF Regulations

- Article 24(a)