

2010-UNAT-016, Tebeyne

UNAT Held or UNDT Pronouncements

UNAT considered the appeal and affirmed UNJSPF's decision. UNAT found that UNJSPF submitted credible evidence that demonstrated that the Cameroon divorce decree was invalid and that the deceased at no time commenced proceedings to dissolve his marriage to his first wife apart from the USA divorce proceedings, which were terminated by his death. In drawing this conclusion, UNAT found it unnecessary to address the additional reliefs sought by the Appellant. UNAT accordingly affirmed UNJSPF's decision to award the widow's benefit to the former staff member's first wife and denied all reliefs sought by the Appellant.

Decision Contested or Judgment/Order Appealed

Upon the death of a former U. N. staff member, UNJSPF recognized his first spouse as his legal wife. UNJSPF thus, found that the first wife was entitled to the continued receipt of a widow's benefit. The deceased's second wife appealed, asserting that she was the deceased's sole surviving spouse.

Legal Principle(s)

Valid divorce proceedings, in the country in which the marriage occurred, must commence prior to a staff member's death in order for a subsequent spouse to receive a widow's benefit.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Tebeyne

Entity

UNJSPF

Case Number(s)

2010-021

Tribunal

UNAT

Registry

New York

Date of Judgement

30 Mar 2010

President Judge

Judge Painter

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

United Nations Joint Staff Pension Fund (UNJSPF)

Standing Committee of UNJSPB (UN Joint Staff Pension Board)

Survivor's benefits

Applicable Law

UNJSPF Administrative Rules

- Rule B.1
- Rule B.2
- Rule B.3