

2010-UNAT-017, Skoda

UNAT Held or UNDT Pronouncements

The former staff member appealed and UNAT considered whether he could compel UNICEF to pay to the Fund its contribution without making the corresponding contribution himself. UNAT found that, as the former staff member's secondment was with the World Bank, he should have availed himself of the provisions of Article 13 of the UNJSPF Regulations relating to the transfer of pension rights and he failed to do so. Under these circumstances, UNAT noted that if the former staff member made his own contribution to the Fund, UNICEF would have been duty-bound to make its corresponding contribution. Since he failed to perform his duty in this regard, UNAT held that he could not expect UNICEF to perform its corresponding duty to make contributions on his account. UNAT accordingly dismissed the appeal.

Decision Contested or Judgment/Order Appealed

UNJSPB decision: UNJSPF records showed that the former staff member was a participant for two periods: 2 April 1976 to 14 June 1987 and 30 December 1989 to 31 January 1995. The records also showed that, during his break in service, while on secondment with the World Bank, he did not contribute to the Fund. UNJSPB held that the former staff member accordingly could not succeed in getting contributory service to accrue in his favor for the period of the secondment.

Legal Principle(s)

Contributory service may accrue in respect of leave without pay if contributions are received by the Fund in accordance with Article 25(b). Contributions for the purpose of article 22(b) in respect of a period of leave without pay shall be at a percentage rate of pensionable remuneration of the participant equal to the applicable rates specified in Article 25(a) above as payable by the participant and by the employing member Organisation, combined. Such contributions shall be payable concurrently

with such leave, by the participant in full or by the Organisation in full, or in part by the participant and in part by the Organisation. UNJSPB may, subject to the concurrence of the General Assembly, approve agreements with the Member States of a member Organisation and with intergovernmental Organisations, with a view to securing continuity of pension rights between the governments of such States or Organisations and the Fund.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Skoda

Entity

UNJSPF

Case Number(s)

2010-022

Tribunal

UNAT

Registry

New York

Date of Judgement

30 Mar 2010

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 Regulations

- Article 13
- Article 22(b)
- Article 25(b)(i)