

2011-UNAT-136, Ardisson

UNAT Held or UNDT Pronouncements

UNAT held that, since the Appellant was not a staff member of IOM at the time of the Agreement between the UNJSPF and IOM of 6 March 2006, the terms of the Agreement were not applicable to him as, by its terms, the Agreement only covered staff members who were current at the time of the Agreement. UNAT held that the different treatment of IOM staff members was created by the General Assembly. UNAT noted that restoration is an exceptional benefit that cannot be extended by analogy. UNAT held that the Appellant's claim of inconsistency, unequal treatment, and arbitrariness by the UNJSPB was unfounded. UNAT dismissed his claim for compensation. UNAT dismissed the appeal and affirmed the decision of the UNJSPB.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision not to consider his previous work with the International Organisation for Migration (IOM) as contributory service.

Legal Principle(s)

Only the General Assembly can amend the UNJSPF Regulations. Restoration is an exceptional benefit and cannot be extended by analogy.

Outcome

Appeal dismissed on merits

Outcome Extra Text

No relief ordered; No relief ordered.

Full judgment

[Full judgment](#)

Applicants/Appellants

Ardisson

Entity

UNJSPF

Case Number(s)

2010-129

Tribunal

UNAT

Registry

New York

Date of Judgement

8 Jul 2011

President Judge

Judge Adinyira

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

TEST -Rename- Benefits and entitlements-45

Pension (see also, UNJSPF)

United Nations Joint Staff Pension Fund (UNJSPF)

Prior contributory service/restoration of

Applicable Law

Agreements, conventions, treaties (etc.)

- Agreement between the UNJSPF and IOM (6 March 2006)

UNJSPF Regulations

- Article 1
- Article 1(v)
- Article 24
- Article 24(a)

Related Judgments and Orders

2010-UNAT-034

2010-UNAT-023