

2011-UNAT-155, Ansa-Emmim

UNAT Held or UNDT Pronouncements

UNAT held that the record reflected that: Michael and Jacqueline married in 1986; they had lived as husband and wife, and Jacqueline was Michael's wife on the date of his separation from service in 1998 and on the date of his death in 2008. UNAT held that Michael's first wife was unable to produce a marriage certificate and the divorce decree she produced was not proof of marriage, despite the date of marriage having been mentioned therein. UNAT held that the divorce decree could not be the sole basis of declaring Jacqueline's marriage to Michael invalid. UNAT held that Jacqueline was entitled to a widow's benefit. UNAT noted that it had not been shown the order issued by the Standing Committee of UNJSPB detailing the impugned decision, therefore it was unable to determine the reasoning adopted by the Standing Committee. UNAT held that the Standing Committee erred in declaring the marriage between Michael and Jacqueline invalid and in withdrawing benefits to which Jacqueline was entitled. UNAT held that failure to record an order detailing a decision and reasoning or provide a copy of the order to the party concerned was a grave violation of due process rights as it deprived the concerned party of the proper opportunity to file an appeal. UNAT allowed the appeal, set aside the decision of the Standing Committee and reinstated Jacqueline's benefits from the date upon which they were suspended, with interest.

Decision Contested or Judgment/Order Appealed

Ms Jacqueline Lopez Ansa-Emmin (Jacqueline), the second wife of the deceased, Mr Michael Ansa-Emmin (Michael), contested the decision to cancel the benefits paid to her on the basis that Michael was not divorced from his first wife and therefore, that his marriage to Jacqueline was invalid.

Legal Principle(s)

All proceedings which culminate in appealable decisions must be conducted in a reviewable manner by observing the principles of natural justice; the affected party must get a proper hearing, and the order detailing a decision must contain sound reasons which can be judicially scrutinised.

Outcome

Appeal granted

Full judgment

[Full judgment](#)

Applicants/Appellants

Ansa-Emmin

Entity

UNJSPF

Case Number(s)

2010-158

Tribunal

UNAT

Registry

New York

Date of Judgement

8 Jul 2011

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

TEST -Rename- Benefits and entitlements-45

Pension (see also, UNJSPF)

Due process

Right to appeal

United Nations Joint Staff Pension Fund (UNJSPF)

Survivor's benefits

Applicable Law

UNJSPF Regulations

- Article 34

Related Judgments and Orders

2010-UNAT-059

2010-UNAT-007