

2012-UNAT-189, Onogi, et al.

UNAT Held or UNDT Pronouncements

UNAT considered Mr Elguindi, Ms Onogi and Ms Sheryda's separate appeals. With respect to Mr Elguindi's claim, UNAT did not find that the manner in which UNJSPF apportioned his monthly pension sum to be unreasonable, capricious or an abuse of discretion. With respect to Ms Onogi's claim of procedural defects, UNAT was not persuaded that there were procedural flaws on the part of UNJSPF such as to render the exercise of its discretion unreasonable or unlawful. UNAT also did not find merit in Mr Elguindi's claim of "double-dipping" in his opposition to Ms Onogi's claim for relief from UNJSPF. UNAT was satisfied that UNJSPF, in exercising its discretion as to how to apportion Mr Elguindi's monthly pension, correctly determined that it had to take into consideration the needs of Ms Onogi, Ms Sheryda, the minor children of Ms Sheryda and Mr Elguindi, and the needs of Mr Elguindi himself. UNAT held there was no reason to vary or set aside the decision of Uto exercise its discretion in apportioning Ms Onogi 19 per cent, Ms Sheryda 10. 5 per cent and her two minor children 19 per cent of Mr Elguindi's monthly pension benefit. UNAT dismissed the appeals and upheld the UNDT judgment.

Decision Contested or Judgment/Order Appealed

Mr Elguindi, Ms Onogi, Ms Sheryda contested amounts awarded by the United Nations Joint Staff Pension Board (UNJSPB). The Standing Committee of the UNJSPB upheld the decision of the UNJSPF. The Standing Committee expressed the view that the UNJSPF was not responsible for resolving private legal disputes and that the total amounts that could be reasonably deducted under Article 45 of the UNJSPF Regulations should not exceed 50 per cent of a staff member's monthly pension benefit.

Legal Principle(s)

UNJSPF may, to satisfy a legal obligation on the part of a participant or former participant arising from a marital or parental relationship and evidenced by an order of a court or by a settlement agreement incorporated into a divorce or other court order, remit a portion of a benefit payable by UNJSPF to such participant for life to one or more former spouses and/or a current spouse from whom the participant or former participant is living apart. Such payment shall not convey to any person a benefit entitlement from the UNJSPF or provide any rights under the UNJSPF Regulations to such person or increase the total benefits otherwise payable by UNJPSF.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Onogi, et al.

Entity

UNJSPF

Case Number(s)

2010-153

2010-164

2010-178

Tribunal

UNAT

Registry

New York

Date of Judgement

16 Mar 2012

President Judge

Judge Faherty

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

United Nations Joint Staff Pension Fund (UNJSPF)

Marital/parental legal obligations (spousal/child support)

Standing Committee of UNJSPB (UN Joint Staff Pension Board)

Applicable Law

UNJSPF Regulations

- Article 45