

2012-UNAT-225, Scott

UNAT Held or UNDT Pronouncements

UNAT held that UNDT's interpretation process, which led to the dismissal of the claim, was neither unreasonable nor unfair. UNAT noted that the affirmation that only the purchasing power element of comparison would allow an equal pay and treatment of staff members constituted only a postulation of a certain parameter among many possible options, without real support except in terms of policy selection because other criteria could also allow that kind of equal treatment, provided that they are applied in a general and non-discriminating way. UNAT noted that the comparator element adopted in the present case fell within this requirement. UNAT noted that the Appellant's alleged prejudice came from a policy-oriented point of view and not from an actual violation of the law applying a different policy to the calculation of the dependency benefit. UNAT held that there was no error that would warrant vacating the judgment. UNAT dismissed the appeal in its entirety and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant challenged the decision to recover monies from his current and future salaries as a result of the adjustment made to his dependency benefit. UNDT dismissed the application, finding that the contested decision was lawful.

Legal Principle(s)

The principle of equal pay as a standard review applies to the main composition of salary for post adjustment and does not prevent eventual differences concerning salary accessories or social benefits.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Scott

Entity

ICTY

Case Number(s)

2011-239

Tribunal

UNAT

Registry

New York

Date of Judgement

29 Jun 2012

President Judge

Judge Courtial

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

TEST -Rename- Benefits and entitlements-45

Dependency benefits

Salary

Applicable Law

Administrative Instructions

- ST/AI/2000/8
- ST/AI/2011/5

Former Staff Rules

- Rule 103.24

Related Judgments and Orders

UNDT/2011/108