

# **2012-UNAT-227, Ernst**

## UNAT Held or UNDT Pronouncements

UNAT held that UNDT did not err in fact or law in its determination that the applicable Information Circular did not entitle the Appellant to an EOSA, nor was it contrary to a higher legal norm. UNAT noted that the facts of the case showed that her resignation did not fulfil the conditions required by the quoted circular. UNAT specifically noted how the resignation was taken knowing the risks involved and caused the break in service, which determined the ineligibility for collecting the allowance claimed for, acknowledging that the Appellant was requesting an exception from the regulations to receive it. UNAT found that the Administration, having duly considered the request, exercised legitimate discretion in deciding not to grant the exception to the applicable Information Circular. UNAT held that the impugned decision could not be substituted by the Tribunals. UNAT dismissed the appeal and affirmed the UNDT judgment.

## Decision Contested or Judgment/Order Appealed

The Applicant contested the Secretary-General's refusal to pay her an EOSA. UNDT found that the Applicant was not entitled to an EOSA and dismissed her application.

## Legal Principle(s)

In cases of resignation, payment of an end-of-service allowance (EOSA) is subject to the condition of having demonstrated three or more years of continuous service with a respective office prior to joining another organisation in the UN common system without a break of service.

## Outcome

Appeal dismissed on merits

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Ernst

## Entity

UNOV

## Case Number(s)

2011-242

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

29 Jun 2012

## President Judge

Judge Simón

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Benefits and entitlements

## Applicable Law

Information Circulars

- UN/INF.243

## Related Judgments and Orders

UNDT/2011/047