

# 2013-UNAT-344, Pio

## UNAT Held or UNDT Pronouncements

UNAT held that there was no merit to the Respondent's argument that the existence of official CPI data for Argentina of itself rendered the Standing Committee impotent as far as a consideration of the Appellant's request. UNAT held that the matters could be raised by UNJSPF of its own volition or where a concerned beneficiary applied for the application of paragraph 26. UNAT held that the Respondent's arguments that the Appellant's complaint had been dealt with by historical benefits that accrued to him were unpersuasive. UNAT held that the impugned decision was, in effect, a failure by the Standing Committee to exercise its jurisdiction to consider the Appellant's appeal of the CEO's decision. UNAT held that, in declining to render a decision in the erroneous belief that the very existence of official CPI figures for Argentina precluded them from doing so, the Standing Committee erred in law and fact with regard to the powers vested in UNJSPF under paragraph 26 of the PAS. On alleged errors in procedure, UNAT held that the Appellant did not experience any inordinate delay in the hearing of his appeal and UNAT was not convinced that the Standing Committee meeting annually at the same time as the Board was in any way an abuse of discretion or dereliction of delegated authority. UNAT held that the Appellant did not establish that the decision by UNJSPF not to convene a special meeting to hear his appeal was the result of any legal error or abuse of authority; rather, such a decision was consistent with the practice of the Standing Committee. UNAT held that there were no grounds for granting the orders sought by the Appellant preventing the Standing Committee from regularly scheduling meetings when the full Board is in session or from scheduling fixed meeting times. UNAT set aside the decision of the Standing Committee and remanded the case back to the Standing Committee for reconsideration.

## Decision Contested or Judgment/Order Appealed

Mr Pio appealed the decision not to suspend the local currency track in application of paragraph 26 of the UNJSPF Pension Adjustment System (PAS) for Argentina,

requesting UNJSPF to pay his pension benefit on the US dollar track. The Standing Committee of the UNJSPB upheld the decision of the CEO, UNJSPF, and rejected the appeal, noting that under paragraph 14 of the UNJSPF PAS, the Fund is required to use the official consumer price index (CPI) rates for each country as published in the UN Monthly Bulletin of Statistics. Argentina having produced such rates, and the Bulletin having published them, the Standing Committee concluded that, therefore, there was no basis to suspend the application of the local currency track in accordance with paragraph 26 of the PAS.

## 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 reason which can be judicially scrutinised upon appeal.

## Outcome

Appeal granted

## Outcome Extra Text

No relief ordered; No relief ordered

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Pio

## Entity

UNJSPF

## Case Number(s)

2012-381

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

28 Jun 2013

## 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)

Pension Adjustment System

## Applicable Law

GA Resolutions

- A/RES/31/240
- A/RES/51/217

Other UN issuances (guidelines, policies etc.)

- UNJSPF Pension Adjustment System (PAS)

## UNAT Statute

- Article 2.9

## UNJSPF Regulations

- Article 4(c)
- Article 48

## UNJSPF RoP

- B.4

## Related Judgments and Orders

2011-UNAT-155