

2013-UNAT-348, Sidell

UNAT Held or UNDT Pronouncements

UNAT noted that: the Sidells were negligent in not reporting their marriage before their separation from service; Mr Sidell notified UNJSPF in October 2003 of his marriage to Mrs Sidell and UNJSPF requested him to provide his original marriage certificate, which he did; and UNJSPF did not follow up with Mr Sidell about the matter. UNAT held that UNJSPF, by remaining silent, created a reasonable expectation on the part of the Sidells that Mr Sidell's pension record was corrected and that his marriage to Mr Sidell was recognised by UNJSPF. UNAT held that, in the circumstances, it was unreasonable to deny the widow her entitlements. UNAT allowed the appeal, set aside the decision of the Standing Committee of the UNJSPB and ordered UNJSPF to pay Mrs Sidell her widow's benefit.

Decision Contested or Judgment/Order Appealed

Mrs Sidell contested the decision not to pay her a widow's benefit. The Standing Committee of the UNJSPB upheld the decision, noting that participants report their dependants prior to separation from service and there were no exceptional circumstances to justify any deviation from that requirement.

Legal Principle(s)

In certain circumstances, silence by the Administration may create a reasonable expectation that action has been taken.

Outcome

Appeal granted

Outcome Extra Text

Only financial compensation; Only financial compensation.

Full judgment

[Full judgment](#)

Applicants/Appellants

Sidell

Entity

UNDP

Case Number(s)

2012-391

Tribunal

UNAT

Registry

New York

Date of Judgement

28 Jun 2013

President Judge

Judge Adinyira

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

TEST -Rename- Benefits and entitlements-45

Pension (see also, UNJSPF)

Applicable Law

UNJSPF Administrative Rules

- Rule B.2
- Rule B.3

UNJSPF Regulations

- Article 34