

2014-UNAT-464, Vorobiev

UNAT Held or UNDT Pronouncements

UNAT held that the Standing Committee did not err in holding the application was not receivable *ratione temporis*. UNAT noted that, in refusing to receive the application, the Standing Committee also implicitly refused to find “good cause” to waive the sixty days’ time limit for review set forth in Section K of the UNJSPF Administrative Rules. UNAT also found no error in this implicit determination and held that a waiver of five years for review by the Standing Committee would be unreasonable, especially in light of the time limits in the Transfer Agreement between UNJSPF and CTBTO. UNAT dismissed the appeal and affirmed the UNJPSB decision.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision regarding the transfer of his pension rights from the Comprehensive Nuclear-Test-Ban Treaty Organisation (CTBTO) to UNJSPF. The Applicant’s request was denied on the basis that UNJSPF, could not entertain the request to review a decision taken back in 2007. The Standing Committee (or UNJSPB) upheld the decision, holding that the Applicant’s application to reopen and review his case could not be received *ratione temporis*, due to his failure to seek review on a timely basis.

Legal Principle(s)

UNAT shall be competent to hear and pass judgment on an appeal of a decision of the Standing Committee acting on behalf of the United Nations Joint Staff Pension Board (UNJSPB). A decision by the Standing Committee is a prerequisite to judicial review by UNAT. The Standing Committee’s review of any decision by the Secretary of the UNJSPB shall be initiated within sixty days of notification of the decision appealed against, but upon good cause shown, the Standing Committee may agree to consider an appeal delivered after the expiry of the prescribed period.

Outcome

Appeal dismissed on merits

Outcome Extra Text

No relief ordered; No relief ordered

Full judgment

[Full judgment](#)

Applicants/Appellants

Vorobiev

Entity

UNJSPF

Case Number(s)

2013-534

Tribunal

UNAT

Registry

New York

Date of Judgement

17 Oct 2014

President Judge
Judge Chapman
Language of Judgment
English
Issuance Type
Judgment
Categories/Subcategories
United Nations Joint Staff Pension Fund (UNJSPF)
Receivability (UNAT)
Standing Committee of UNJSPB (UN Joint Staff Pension Board)
Applicable Law
UNAT Statute

- Article 2.9(a)
- Article 7.2

UNJSPF Administrative Rules

- Section K

UNJSPF Regulations

- Article 13

Related Judgments and Orders

2010-UNAT-034
2013-UNAT-343
2013-UNAT-344