

2014-UNAT-465, Gonzalez-Hernandez

UNAT Held or UNDT Pronouncements

As a preliminary matter, UNAT denied the Appellant's request for an oral hearing. UNAT noted that UNJSPF correctly applied Article 45 of the UNJSPF Regulations and relied on an internationally binding judgment about spousal and child support, issued by an Austrian court, which was not contradicted by the divorce decree issued by a Portuguese court. UNAT found no error of law or fact such as to vitiate the contested decision and upheld UNJSPF's "reasoned and well-founded decision." UNAT dismissed the appeal and upheld the UNJPSB decision.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision of the Chief Executive Officer (CEO) of UNJSPF to deduct 50 per cent of his monthly pension benefit for payment directly to his former spouse, in accordance with Article 45 of the UNJSPF Regulations. The Standing Committee (or UNJPSB) affirmed the decision of UNJSPF.

Legal Principle(s)

An appeal before UNAT, submitted against a decision adopted by the Standing Committee of the Pension Board, can only succeed if it is found that the UNJSPF Regulations were not observed.

Outcome

Appeal dismissed on merits

Outcome Extra Text

No relief ordered

Full judgment

[Full judgment](#)

Applicants/Appellants

Gonzalez-Hernandez

Entity

UNJSPF

Case Number(s)

2013-536

Tribunal

UNAT

Registry

New York

Date of Judgement

17 Oct 2014

President Judge

Judge Simón

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

United Nations Joint Staff Pension Fund (UNJSPF)

Marital/parental legal obligations (spousal/child support)

Standing Committee of UNJSPB (UN Joint Staff Pension Board)

Applicable Law

UNAT Statute

- Article 2.9

UNJSPF Regulations

- Article 45