

2015-UNAT-574, Couquet

UNAT Held or UNDT Pronouncements

UNAT considered an appeal by the Secretary-General. UNAT held that UNDT erred in concluding that the staff member's eligibility for ASHI should be determined based on the date of her recruitment to the ICTY in October 2006 instead of her appointment to UNAKRT in October 2009. UNAT noted that, under Staff Rule 4. 17, the date of recruitment that is relevant for determining the terms of appointment of a former staff member who receives a new appointment after separating from the Organisation is the date of the new appointment. In the staff member's case, her new appointment with UNAKRT was a re-employment under Staff Rule 4. 17 and not reinstatement. UNAT held therefore that her eligibility for ASHI was properly determined by reference to the date of her recruitment to UNAKRT in October 2009. UNAT upheld the Secretary-General's appeal and vacated the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The staff member contested the decision that she was ineligible for enrolment in the after-service health insurance (ASHI) program as she had not reached the 10-year threshold. UNDT found that the staff member's eligibility for ASHI should be determined based on the date of her recruitment to the International Criminal Tribunal for the Former Yugoslavia (ICTY) in October 2006, instead of her appointment to UN Assistance to the Khmer Rouge Trials (UNAKRT) in October 2009. UNDT found that the staff member was eligible for ASHI and ordered that the contested decision be rescinded.

Legal Principle(s)

The entry on duty date (EOD) for the purpose of determining the terms of appointment of a former staff member who receives a new appointment after separating from the Organisation is the date of the new appointment.

Outcome

Appeal granted

Full judgment

[Full judgment](#)

Applicants/Appellants

Couquet

Entity

ICTY

Case Number(s)

2014-666

Tribunal

UNAT

Registry

New York

Date of Judgement

30 Oct 2015

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

United Nations Joint Staff Pension Fund (UNJSPF)

ASHI (After-Service Health Insurance)

Applicable Law

Administrative Instructions

- ST/AI/2007/3

Staff Rules

- Rule 4.17

Related Judgments and Orders

UNDT/2014/112

2015-UNAT-547

2013-UNAT-293