

2015-UNAT-607, Zakharov

UNAT Held or UNDT Pronouncements

UNAT held that the decision of the UNJSPB not to submit the staff member's appeal to the Standing Committee contravened his rights under the UNJSPF Regulations by depriving him of access to the appeals process and was a serious violation of his due process rights. Noting that UNAT's jurisdiction was limited to hearing appeals of decisions of the Standing Committee and that the staff member's case had not been reviewed by the Standing Committee, UNAT held that it had no jurisdiction to hear the appeal and remanded it to the Standing Committee.

Decision Contested or Judgment/Order Appealed

The staff member challenged the UNJSPB's refusal to submit his case to the Standing Committee. He claimed that the decision violated the "international civil servants' right of appeal" and applied the UNJSPF Regulations in an "arbitrary, unfair or prejudicial manner".

Legal Principle(s)

UNAT's jurisdiction over the UNJSPF is limited to hearing appeals of decisions of the Standing Committee of the UNJSPB.

Outcome

Appeal dismissed on receivability

Full judgment

[Full judgment](#)

Applicants/Appellants

Zakharov

Entity

UNJSPF

Case Number(s)

2015-714

Tribunal

UNAT

Registry

New York

Date of Judgement

30 Oct 2015

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Due process

Jurisdiction / receivability (UNAT)

UNJSPB

United Nations Joint Staff Pension Fund (UNJSPF)

Standing Committee of UNJSPB (UN Joint Staff Pension Board)

Applicable Law

UNAT Statute

- Article 2.9

UNJSPF Regulations

- Article 48
- Section K