

2017-UNAT-729, Zakharov

UNAT Held or UNDT Pronouncements

UNAT held that the Appellant was fully apprised of the options available to him in relation to his pension benefits when his first contract with the Organisation ended in 1985. UNAT held that the Appellant's election to transfer his actuarial value to the Social Security Fund of the USSR terminated his contractual relationship with the UNJSPF. UNAT held that the right to restore past contributory service was only available to participants in terms of Article 24 of the UNJSPF Regulations, who had less than five years' previous contributory service and whose only available benefit was a withdrawal settlement consisting of their own contributions to the Pension Fund. The Appellant did not fall into that category. UNAT held that the Standing Committee did not err in holding the complaint was time-barred and for that reason alone, the appeal had to be dismissed. UNAT held that the Appellant's unsubstantiated allegations of fraudulent collusion between UNJSPF and the Government of the USSR were beyond the scope of UNAT's jurisdiction. UNAT held that UNJSPF acted strictly in compliance with the UNJSPF Regulations. UNAT dismissed the appeal and upheld the decision of the Standing Committee of the UNJSPB.

Decision Contested or Judgment/Order Appealed

UNJSPB decision: The Applicant contested the decision to reject his request for restoration of his prior contributory service in order to receive a deferred retirement benefit. The Applicant's pension rights had been transferred to the Social Security Fund of the USSR under a transfer agreement and there was no provision in the transfer agreement to return them. The Standing Committee of the UNJSPB upheld the decision of the UNJPSF to reject his request.

Legal Principle(s)

The Standing Committee of the UNJSPB has wide discretion in determining whether good cause exists to extend the prescribed period in which a request for review of a decision may be accepted; a party called upon to show good cause must provide a reasonable explanation for the Appellant's delay on the record as well as prospects of success on the merits.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Zakharov

Entity

UNJSPF

Case Number(s)

2016-968

Tribunal

UNAT

Registry

New York

Date of Judgement

31 Mar 2017

President Judge

Judge Murphy

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

TEST -Rename- Benefits and entitlements-45

Pension (see also, UNJSPF)

United Nations Joint Staff Pension Fund (UNJSPF)

Prior contributory service/restoration of

Applicable Law

UNAT Statute

- Article 2.9

UNJSPF Administrative Rules

- Section K5

UNJSPF Regulations

- Article 24