

2017-UNAT-734, Witold

UNAT Held or UNDT Pronouncements

UNAT rejected the Appellant's motion for leave to file additional pleadings on the basis that the Appellant had not demonstrated any exceptional circumstances. UNAT decided to strike out the Appellant's additional submission and not to take it into consideration. UNAT found no fault in the UNJSPF Standing Committee's decision which was in full accord with the UNJSPF Regulations. UNAT held that the Appellant was neither entitled to an increase in his pension benefit nor to a retroactive payment for the period of his reemployment as there is no legal basis for retroactive payment of these benefits and that the Standing Committee has no discretion to grant such a retroactive payment. UNAT held that by requested an increase in his pension benefit or retroactive payment of benefits suspending during his reemployment, the Appellant was effectively seeking an amendment to the UNJSPF Regulations, noting that only the General Assembly can amend the UNJSPF Regulations. UNAT held that there was neither unfairness nor discrimination in the combined application of Article 29(b) or Article 40(a) of the UNJSPF Regulations to the Appellant. UNAT dismissed the appeal and affirmed the decision of the UNJSPF Standing Committee.

Decision Contested or Judgment/Order Appealed

Previous UNJSPF decision: The Applicant contested the retirement benefit paid to him upon early retirement. He considered the cumulative effect of the application of Article 29(b) and Article 40(a) of the UNJSPF Regulations to be discriminatory. The UNJSPF Standing Committee affirmed the UNJSPF decision that the Applicant had not been disadvantaged by the application of the UNJSPF Regulations.

Legal Principle(s)

Only the General Assembly can amend UNJSPF Regulations.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Witold

Entity

UNJSPF

Case Number(s)

2016-977

Tribunal

UNAT

Registry

New York

Date of Judgement

31 Mar 2017

President Judge

Judge Knierim

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Benefits and entitlements

Pension (see also, UNJSPF)

Applicable Law

Other UN issuances (guidelines, policies etc.)

- UNAT Practice Direction No.1/Section II.A.3

UNAT RoP

- Article 31.1
- Article 8
- Article 9

UNJSPF Regulations

- Article 29
- Article 30
- Article 40