

2017-UNAT-736, Williams

UNAT Held or UNDT Pronouncements

UNAT held that the Applicant was not entitled to a widow's benefit under Article 34 of the UNJSPF Regulations as she married Mr Williams, her deceased husband, after his separation from service. UNAT noted that, under Article 35ter of the UNJSPF Regulations, the survivor's benefit had to be purchased by a retiree who marries after separation from service as an annuity within a prescribed one-year deadline after the date of the marriage. UNAT noted that Mr Williams had elected not to do so. UNAT held that there was no obligation for UNJSPF to inform Mr Williams of the option. UNAT held that, while Mr Williams had submitted a form (PENS. A/2) designating his wife (and sons) as potential recipients for the purposes of a residual settlement on which he had noted that the Appellant was his wife, this did not convey a clear and unambiguous choice on the part of Mr Williams to purchase an annuity under Article 35ter. On the Appellant's contentions that the UNJSPF has a responsibility in ensuring the accuracy and completeness of all participants' records and was neglectful in its duty by not requesting proof of the marriage so as to verify whether the wife indicated on the form was indeed a prospective survivor possible subject to Article 35ter, UNAT held that there was no specific provision establishing such an obligation. UNAT noted that due to the contributory nature of the benefits, ad hoc and post factum additions of the beneficiaries would appear to be prejudicial to the interests of other participants, UNJSPF did not create a reasonable expectation on the part of Mr Williams that his wife would be receipt of a widow's benefit after his death. On the Appellant's submission that her due process rights were not respected by the Standing Committee when it reviewed her case some 266 days after receipt of her request, UNAT held that it did not consider that the Appellant experienced any inordinate delay in the hearing of her appeal. UNAT dismissed the appeal and affirmed the decision of the UNJSPF Standing Committee.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision not to pay her a widow's benefit (under Article 34 of the UNJSPF Regulations) or a survivor's benefit (under Article 35ter of the UNJSPF Regulations).

Legal Principle(s)

A retiree who wishes to purchase an annuity for his new spouse bears the onus of submitting the relevant application to UNJSPF making this choice.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Williams

Entity

UNJSPF

Case Number(s)

2016-979

Tribunal

UNAT

Registry

New York

Date of Judgement

31 Mar 2017

President Judge

Judge Raikos

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

United Nations Joint Staff Pension Fund (UNJSPF)

Marital/parental legal obligations (spousal/child support)

Survivor's benefits

Applicable Law

UNJSPF Regulations

- Article 31
- Article 34
- Article 35ter
- Article 38
- Article 40