

2019-UNAT-968, Fortis

UNAT Held or UNDT Pronouncements

On the matter of the deduction of 7,000 Euros paid to the Appellant's ex-wife from his final emoluments, UNAT agreed with the UNDT's finding that the Appellant's application was not receivable *ratione materiae*, although for different reasons than those given by UNDT. UNAT held that the Appellant filed his request for management evaluation outside of the time limit and that therefore his application was not receivable *ratione materiae*. UNAT held that it was clear from the facts that the Appellant knew and had expressly accepted that this payment to his ex-wife would be deducted from his final emoluments. On the matter of the deduction of 2015 dependency benefits from the Appellant's final emoluments, UNAT held that the Appellant's application was not receivable *ratione materiae* for failure to request a management evaluation within the time limit. On the matter of the recovery of CHF11,996. 49, UNAT held that the Organisation lawfully recovered this overpayment which clearly resulted from an administrative error. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the amount paid to him against his final emoluments, in connection with the payment of dependency benefits to his ex-wife and daughter, and the Administration's request to recover the alleged overpayment. UNDT dismissed the application, partly on receivability and partly on the merits.

Legal Principle(s)

The Administration has the right and duty to correct its own errors.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Fortis

Entity

UNOG

Case Number(s)

2019-1268

Tribunal

UNAT

Registry

New York

Date of Judgement

25 Oct 2019

President Judge

Judge Knierim

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Benefits and entitlements

Dependency benefits

Private legal obligations

Applicable Law

Administrative Instructions

- ST/AI/2009/1

UNDT Statute

- Article 8

Related Judgments and Orders

UNDT/2019/053