

2020-UNAT-1007, Pise

UNAT Held or UNDT Pronouncements

UNAT noted that the deceased staff member, Mr Pise, could have been under no illusion when he signed the payment instruction forms that he had opted to receive, in addition to a deferred pension, his own contributions plus interest as an immediate withdrawal benefit rather than a prospective survivor's benefit. UNAT noted that he was informed of that interpretation twice subsequent to his separation and did not challenge those determinations. UNAT held that there was no doubt that Mr Pise received the benefits payable to him in terms of the Fund's Regulations and there was no basis thereunder to afford Mrs Pise a survivor's benefit. UNAT held that the Fund discharged its duty to inform Mr Pise of the implications of his choice at the time of his separation in its use of plain language in the payment instruction form, which unambiguously elucidated the available options. UNAT held that there was no basis for Mrs Pise's claim for moral damages or costs. UNAT dismissed the appeal and affirmed the decision of the Standing Committee.

Decision Contested or Judgment/Order Appealed

The Applicant, Mrs Pise, contested the decision to deny her a widow's benefit following the death of her husband. Her request was denied on the basis that her husband had elected to take a reduced deferred retirement benefit with a lump sum, under which the UNJSPF Regulations in effect at the time of his separation had precluded payment of a survivor's benefit.

Legal Principle(s)

Once rights have been vested, they are not altered by subsequent amendments to UNJSPF Regulations. No UNJSPF provision shall be construed as applying retroactively prior to the date of its entry into force unless expressly stated therein or specified by the UN General Assembly. UNJSPF has no discretion to vary benefits on a discretionary basis. There is nothing that permits restricting the general provision that a widow's benefit would not be payable where there has been commutation only if it was of the full value of the benefit.

Outcome

Appeal dismissed on merits

Outcome Extra Text

No relief ordered; No relief ordered.

Full judgment

[Full judgment](#)

Applicants/Appellants

Pise

Entity

UNJSPF

Case Number(s)

2019-1322

Tribunal

UNAT

Registry

New York

Date of Judgement

27 Mar 2020

President Judge

Judge Murphy

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

United Nations Joint Staff Pension Fund (UNJSPF)

Survivor's benefits

Applicable Law

UNJSPF Regulations

- Article 49(b)
- Article 50
- Former Regulation 31
- Former Regulation 35

Related Judgments and Orders

2018-UNAT-834