

# 2020-UNAT-996, Oglesby

## UNAT Held or UNDT Pronouncements

UNAT considered an application for revision of judgment No. 2019-UNAT-914 from Mr Oglesby. UNAT held that Mr Oglesby failed to establish the required grounds for a revision of judgment, namely the discovery of a decisive fact that was, at the time the judgment was rendered, unknown to UNAT and the party applying for revision. UNAT noted that it had concluded in the impugned judgment that it was unable to apply the UN Charter or the UDHR directly, or strike down clear UNJSPF Regulations. UNAT opined that it was within the combined powers of the UNJSPF, the Secretary-General and the General Assembly to right this obvious disconnection from human rights norms for Mr Oglesby and others in his situation. UNAT requested that both judgments be brought to the attention of the Secretary-General and the General Assembly. UNAT dismissed the application for revision.

## Decision Contested or Judgment/Order Appealed

In judgment No. 2019-UNAT-914, UNAT affirmed the decision of UNJSPF to deny widowhood benefits to Mr Oglesby and dismissed his appeal. Under UNJSPF Regulations, Mr Oglesby was required to be married at the time of his separation from service in order to receive those benefits; however, at the time of his separation (1998), same-sex marriage was not legal anywhere in the world and therefore he was unable to marry his partner.

## Legal Principle(s)

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## Outcome

Revision, correction, interpretation or execution

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Oglesby

## Entity

UNJSPF

## Case Number(s)

2019-1307

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

27 Mar 2020

## President Judge

Judge Colgan

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Judgment-related matters

Revision of Judgment

United Nations Joint Staff Pension Fund (UNJSPF)

Survivor's benefits

## Applicable Law

Agreements, conventions, treaties (etc.)

UN Charter

- Article 8

UNAT RoP

- Article 24

UNAT Statute

- Article 11.1

UNJSPF Regulations

- Article 34
- Article 35

## Related Judgments and Orders

2019-UNAT-914

2013-UNAT-321

2017-UNAT-735