

# 2020-UNAT-997, Clemente

## UNAT Held or UNDT Pronouncements

UNAT considered an application by UNJSPB for interpretation of judgment No. 2019-UNAT-912 related to the calculation and payment of interest. UNAT held that there was nothing unclear or ambiguous about the terms of the order and that the application for interpretation was inadmissible on those grounds alone. UNAT opined that, in actuality, the UNJSPB sought to appeal the judgment on the grounds that UNAT erred in making an award of interest, which UNJSPB believed was inconsistent with its Regulations. Noting that judgments of UNAT are final and without appeal, UNAT held that this attempt to appeal was impermissible. To hold that UNAT had no statutory jurisdiction to order the payment of interest would mean that UNAT would be unable to remedy wrongful conduct by placing an aggrieved applicant in the same position she or he would have been in but for the unlawful administrative decision. UNAT dismissed the application for interpretation of judgment as inadmissible.

## Decision Contested or Judgment/Order Appealed

In judgment No. 2019-UNAT-912, UNAT rescinded the decision of UNJSPF to deny the Appellant widow's benefits and ordered UNJSPF to make payment to her within 14 days of the date of the issuance of the judgment with interest, and an additional five per cent interest if the payment was not executed in a timely manner.

## Legal Principle(s)

An application for interpretation will only be admitted if the meaning or scope of a judgment is unclear or ambiguous. Judgments of UNAT are final and without appeal.

## Outcome

Revision, correction, interpretation or execution

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Clemente

## Entity

UNJSPF

## Case Number(s)

2019-1309

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

27 Mar 2020

## President Judge

Judge Murphy

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Judgment-related matters

Interpretation of Judgment

United Nations Joint Staff Pension Fund (UNJSPF)

Survivor's benefits

## Applicable Law

UNAT RoP

- Article 25

UNAT Statute

- Article 10.6
- Article 11.1
- Article 11.2
- Article 11.3

UNJSPF Regulations

- Article 1(I)
- Article 44

## Related Judgments and Orders

2019-UNAT-912

2010-UNAT-059

2015-UNAT-567