

# UNDT/2022/016, Bezziccheri

## UNAT Held or UNDT Pronouncements

As per the account of both parties, previously awarded costs had been paid and, thus, what remained to be considered is if the 2014 contested decision has been fully rescinded or not. The issues at stake are of a medical nature and that is why this Tribunal remanded the matter by Order No. 24 (GVA/2016) so that a Medical Board is convened and a determination on the Applicant's sick leave entitlements is made. This medical determination is a condition sine qua non for the submission for consideration for a disability benefit by the UNSPC. Contrary to what the Applicant argues, UNJSPF administrative rule H.4(a) does not apply in her case. This rule provides that a UNJSPF participant can directly request the UNSPC for a determination about the granting of a disability benefit, under article 33(a) of the UNJSPF Regulations, if "the organization has not acted in accordance with [administrative] rule H.3". There is an established procedure to determine whether a UNJSPF participant is incapacitated within the meaning of art. 33(a) of the UNJSPF Regulations. If an employing organization refuses to follow such a procedure, a staff member could invoke administrative rule H.4 and address the UNSPC directly. This is not the Applicant's case. The existence of disagreements does not amount to a failure to act in accordance with administrative rule H.3. The Tribunal found that its decision in Bezziccheri had been fully executed and, consequently, that the application was moot.

## Decision Contested or Judgment/Order Appealed

The Applicant sought an order for execution of Judgment Bezziccheri UNDT/2019/012, which: (a) ordered the rescission of a decision from the Medical Director, Medical Services Division, United Nations Headquarters, communicated to her on 29 December 2014, not to recommend her for disability consideration by the UNSPC; and (b) awarded her costs.

## Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Bezziccheri

Entity

UNODC

Case Number(s)

UNDT/GVA/2021/060

Tribunal

UNDT

Registry

Geneva

Date of Judgement

18 Feb 2022

Duty Judge

Judge Bravo

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

TEST -Rename- Benefits and entitlements-45

Pension (see also, UNJSPF)

Judgment-related matters

Execution of Judgment

United Nations Joint Staff Pension Fund (UNJSPF)

UNSPC (UN Staff Pension Committee)

Applicable Law

Laws of other entities (rules, regulations etc.)

- Administrative Rules of UNJSPF
- UNJSPF Rules and Pension Adjustment System of the Fund (JSPB/G.4/Rev.19 of 1 January 2014)

Other UN issuances (guidelines, policies etc.)

UNDT Statute

- Article 12.4