

# **UNDT/2024/069, Larriera**

## UNAT Held or UNDT Pronouncements

The Tribunal concluded that the Applicant was entitled to full compensation as provided for under Appendix D, with no deductions. The Tribunal also observed that the Applicant was entitled to receive interests for the delayed payment.

In view of the foregoing, the Tribunal:

- a. Granted the application and rescinded the contested decision;
- b. Directed the Respondent to pay to the Applicant the compensation under Appendix D with no deduction for pension benefits paid to third parties; and
- c. Directed the Respondent to pay to the Applicant for the delayed payment of said compensation the interest at the US Prime Rate, from the moment the compensation was due to the payment date.

## Decision Contested or Judgment/Order Appealed

The Applicant contested the decision of the Advisory Board on Compensation Claims to “deduct from the Applicant’s entitlement to compensation as a surviving spouse the amount of pension benefits being paid although she was not receiving any part of those benefits”.

## Legal Principle(s)

In the event of a service-incurred death of a staff member, the United Nations pays compensation to the staff member’s spouse or other eligible dependent(s).

## Outcome

Judgment entered for Applicant in full or in part

## Outcome Extra Text

The Tribunal directed the Respondent to pay to the Applicant:

- a. The compensation under Appendix D with no deduction for pension benefits paid to third parties; and
- b. The interest at the US Prime Rate, from the moment the compensation was due to the payment date.

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Larriera

## Entity

Other Agency/Fund/Programme/UN Entity

## Case Number(s)

UNDT/NBI/2024/026

## Tribunal

UNDT

## Registry

Nairobi

## Date of Judgement

30 Sep 2024

## Duty Judge

Judge Buffa

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Benefits and entitlements

## Applicable Law

Staff Rules

- Appendix D

Staff Regulations

UNJSPF Regulations

## Related Judgments and Orders

2020-UNAT-1004

2019-UNAT-975

2022-UNAT-1271