

2024-UNAT-1480, Mirjam Briel

UNAT Held or UNDT Pronouncements

The UNAT held that the Standing Committee of UNJSPB had appropriately found Ms. Briel ineligible to receive a widow's benefit.

The UNAT found that Ms. Briel should have submitted her appeal to the UNAT using the prescribed form, accompanied by a brief explaining her grounds for appeal, particularly given that she had received clear instructions from the UNAT Registry. Nonetheless, the UNAT reviewed the merits of her appeal.

The UNAT found that, at the time of the late participant's death, he had not reported Ms. Briel as his spouse or common-law spouse. Moreover, there was no evidence to suggest that the late participant's failure to report resulted from a lack of support of the Human Resources department.

The UNAT dismissed the appeal and affirmed the decision of the Standing Committee of the UNJSPB.

Decision Contested or Judgment/Order Appealed

The late participant's "life partner", Ms. Briel, contested the UNJSPF's decision deeming her ineligible for a widow's benefit under Article 34 of the Regulations, Rules, and Pension Adjustment System of the UNJSPF (Regulations).

The Standing Committee of the UNJSPB upheld the UNJSPF's decision, concluding that Ms. Briel did not qualify for widow's benefits.

Ms. Briel appealed.

Legal Principle(s)

The UNAT is not only competent but also required to consider whether it holds the necessary jurisdiction to determine a matter before it, even on its own motion.

It is for the appellant to satisfy the UNAT that their appeal complies with the UNAT Rules of Procedure, including submission on the prescribed form and a brief outlining pleas and explanatory statements.

To qualify for a widow's benefit, the individual must be recorded as married to the late participant in the UNJSPF's records at the time of separation or death. Staff are responsible for reporting changes to their personal status, and the UNJSPF recognizes only the information in its records. Exceptionally, the UNJSPF may accept a different status, such as a registered partnership, if it aligns with the Regulations and has been formally established, but only after the employer refuses to record or report their status change.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Mirjam Briel

Entity

UNJSPB

Case Number(s)

2023-1863

Tribunal

UNAT

Registry

New York

Date of Judgement

15 Nov 2024

President Judge

Judge Savage

Judge Sandhu

Judge Gao

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Procedure (first instance and UNAT)

Survivor's benefits

United Nations Joint Staff Pension Fund (UNJSPF)

Applicable Law

UNAT RoP

- Article 8

UNAT Statute

- Article 2.9

UNJSPF Administrative Rules

- Section K

UNJSPF Regulations

- Article 34
- Article 48

Related Judgments and Orders

2010-UNAT-051

2016-UNAT-689