

2025-UNAT-1555, Carolina Larriera

UNAT Held or UNDT Pronouncements

The Appeals Tribunal analyzed the text of Appendix D, from the 1966 version, and concluded that: (a) widows are eligible to receive compensation at a rate of two-fifths of a deceased staff member's annual salary; (b) if the deceased staff member is survived by more than one widow, the compensation shall be split evenly between the widows; (c) all pension benefits paid through the staff member's UNJSPF entitlement shall be deducted from the compensation paid under Appendix D; and the deduction shall not reduce the amount of Appendix D compensation otherwise payable to less than 10 per cent of what the compensation would have been before the deduction.

The Appeals Tribunal emphasized that "all benefits" paid from the UNJSPF must be deducted from Appendix D compensation paid to the two widows, even though only one widow was receiving surviving spouse pension benefits. The Tribunal concluded that the process of interpretation may lead to harsh or even prejudicial result for a party, but this does not require that a different interpretation be reached without due regard to the relevant principles which apply.

The Tribunal granted the appeal and reversed the UNDT Judgment.

Decision Contested or Judgment/Order Appealed

Ms. Larriera contested the decision of the Advisory Board on Compensation Claims, to deduct from her entitlement to compensation under Appendix D, as a surviving spouse, the amount of pension benefits being paid from the United Nations Joint Staff Pension Fund (UNJSPF) to surviving spouses of a former staff member, even though she personally was not receiving any of those pension benefits.

The UNDT ordered that Ms. Larriera be paid the full amount due to her under Appendix D, without deduction for pension benefits paid to another widow, plus interest at the US Prime Rate from the date on which compensation was due to her.

The Secretary-General appealed.

Legal Principle(s)

The process of interpretation is the process of attributing meaning to the words used in a document or a provision within a document which requires that regard be given to the context of the provision within the document as a whole and the circumstances which surrounded its coming into existence.

The process of interpretation should consider the language used with regard to the ordinary rules of grammar and syntax, the context, the apparent purpose to which the provision is directed and the material known to those responsible for its production. Where more than one meaning is possible, each possibility must be weighed in the light of all these factors.

The process of interpretation is an objective and not a subjective process, with a sensible meaning preferred to one that leads to results that are not sensible or undermine the apparent purpose of the document. Where the language used is plain and causes no interpretative difficulties, the language of the text must be interpreted on its own reading and does not require further investigation.

Outcome

Appeal granted

Outcome Extra Text

Full judgment

[Full judgment](#)

Applicants/Appellants

Carolina Larriera

Entity

UN Secretariat

Case Number(s)

2024-1970

Tribunal

UNAT

Registry

New York

Date of Judgement

29 Jul 2025

President Judge

Savage

Judge Colgan

Judge Sandhu

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Compensation for injury, illness or death attributable to service (Appendix D to Staff Rules)

Survivor's benefits

Pension (see also, UNJSPF)

TEST -Rename- Benefits and entitlements-45

United Nations Joint Staff Pension Fund (UNJSPF)

Applicable Law

Secretary-General's bulletins

- ST/SGB/2018/1

Staff Rules

- Appendix D

UNDT Statute

- Article 2.1

Related Judgments and Orders

2018-UNAT-861

2015-UNAT-600

2013-UNAT-300

2021-UNAT-1170

2016-UNAT-705

UNDT/2024/069

2012-UNAT-225