



6. On 28 August 2007, Carranza wrote to UNJSPF to request the restoration of his prior period of contributory service after article 24 of the UNJSPF Regulations was amended.

7. The UNJSPF rejected Carranza's request on the grounds that the amended article 24(a) of the UNJSPF Regulations concerned only "participants who previously were unable to restore prior contributory service because the length of such service was more than five years". Also, the amended article 24 was not intended to give a second chance to participants who could have but previously failed to restore prior contributory service of less than five years, within one year after re-entering in the Fund.

8. Carranza appealed on 2 December 2008 to the former United Nations Administrative Tribunal against the decision of the UNJSPF not to allow him to restore his prior period of contributory service.

9. The United Nations Joint Staff Pension Board (UNJSPB or Board) sought interpretation as to the scope of the amended article 24 (a). The Board evidently decided that the revision of article 24 did not offer a new opportunity to restore to those who had

Submissions on Merits

12. Carranza maintains that the amended article 24 of the UNJSPF Regulations gave him a legal right to have his nearly two years of previous service restored, as the 2007 amendments to article 24 did not limit its application to periods of participation greater than five years. Accordingly the language used in the amendment, “owing to the length of such prior service”, could equally be interpreted to apply to prior service of one, two, five, or even more years.

13. Carranza disputes any interpretation given by the UNJSPF as being too narrow and discriminatory. He argues that any clarification by the Board may not outweigh the meaning of the amended article 24, as originally approved by the General Assembly.

14. The UNJSPF submits that to fall within the scope of the amended article 24 (a), a participant needs to meet three conditions: i) be an active participant; ii) re-enter the Fund before 1 April 2007; and iii) be previously ineligible to elect to restore his prior period of contributory service. Further the purpose of the amendment was not to offer a new opportunity to staff in Carranza’s situation,

THE UNITED NATIONS APPEALS TRIBUNAL

Case No. 2010-024

Judgment

18. This Court agrees with and affirms the UNJSPF decision.



Judge Boyko, Presiding



Judge Painter



Judge Garewal

Dated this 30th day of March 2010 in Geneva, Switzerland.

Original: English

Entered in the Register on this 26th day of April 2010 in New York, United States.



Weicheng Lin, Registrar, UNAT