
**UNITED NATIONS APPEALS TRIBUNAL
TRIBUNAL D'APPEL DES NATIONS UNIES**

Judgment No. 2020-UNAT-996

**Oglesby
(Applicant)**

v.

**United Nations Joint Staff Pension Board
(Respondent)**

JUDGMENT ON APPLICATION FOR REVISION

Before:	Judge Graeme Colgan, Presiding Judge Jean-François Neven Judge Kanwaldeep Sandhu
Case No.:	2019-1307
Date:	27 March 2020
Registrar:	Weicheng Lin

Counsel for Mr. Oglesby: Ibrahim Faye

Counsel for UNJSPB: Janice Dunn Lee

JUDGE GRAEME COLGAN, PRESIDING.

1. On 29 March 2019, the United Nations Appeals Tribunal (Appeals Tribunal) rendered Judgment No. 2019-UNAT-914 in the case of Oglesby v. United Nations Joint Staff Pension Board dismissing the appeal of Mr. Samuel Oglesby and affirming the decision of the Standing Committee of the United Nations Joint Staff Pension Board (Standing Committee and UNJSPB, respectively). The UNJSPB had denied Mr. Oglesby widowhood benefits on the grounds that he did not qualify pursuant to Articles 34 and 35 of the Regulations of the United Nations Joint Staff Pension Fund (UNJSPF or the Fund), which required that, to receive such a prospective benefit, Mr. Oglesby be married at the time he separated from service. Mr. Oglesby separated from the Organization in 1998 after serving for nearly 25 years. At that time same-sex marriage was not legal anywhere in the world and he thus was unable to marry his partner. In affirming the decision, the Appeals Tribunal noted that its jurisdiction was limited to reviewing observance of the UNJSPF Regulations and, in this case, the UNJSPB had observed the provisions of the Regulations pertaining to widow's/widower's benefits. Since Mr. Oglesby was not married at the time of his separation from service, he was not eligible for widowhood benefits.

3. On 5 November 2018, Mr. Oglesby appealed to the Appeals Tribunal and argued, among other things, that the UNJSPF Regulations were discriminatory, and contradicted human rights norms and the United Nations Charter. n0-

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12. These provisions are respectively:

Article 11(1) of the Statute

Subject to article 2 of the present statute, either party may apply to the Appeals Tribunal for a revision of a judgement on the basis of the discovery of a decisive fact which was, at the time the judgement was rendered, unknown to the Appeals Tribunal and to the party applying for revision, always provided that such ignorance was not due to negligence. The application must be made within 30 calendar days of the discovery of the fact and within one year of the date of the judgement.

Article 24 of the Rules

Revision of Judgements

Either party may apply to the Appeals Tribunal, on a prescribed form, for a revision of a judgement on the basis of the discovery of a decisive fact that was, at the time the judgement was rendered, unknown to the Appeals Tribunal and to the party applying for revision, always provided that such ignorance was not due to negligence. The application for revision will be sent to the other party, who has 30 days to submit comments to the Registrar on a prescribed form. The application for revision must be made within 30 calendar days of the discovery of the fact and within one year of the date of the judgement.

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18. The application for revision of Judgment No. 2019-UNAT-914 is dismissed.

19. We ask the Registrar to bring this Judgment, and its 2019 predecessor Judgment, to the attention of the Secretary-General of the United Nations and the General Assembly of the United Nations in the circumstances set out in paragraph 16 of this Judgment.

Original and Authoritative Version: English

Dated this 27th day of March 2020.

(Signed)

Judge Colgan, Presiding
Auckland, New Zealand

(Signed)

Judge Neven
New York, United States

(Signed)

Judge Sandhu
Vancouver, Canada

Entered in the Register on this 19th day of June 2020 in New York, United States.

(Signed)

Weicheng Lin, Registrar