



Judgment No. 2016-UNAT-656



Counsel for Appellant: Self-represented

Counsel for Respondent Sergio Arvizú



7. In correspondence dated 24 April 2015, Mr. Maher requested a review of the 4 March 2015 decision by the WHO Staff Pension Committee under the Administrative Rules of the Fund. By letter dated 2 June 2015, the Secretary of the WHO Staff Pension Committee informed Mr. Maher that, on 16 May 2015, the Committee had confirmed the 4 March 2015 decision.

8. By letter dated 12 June 2015, Mr. Maher appealed against the WHO Staff Pension Committee's decision to the Standing Committee under the Administrative Rules of the Fund. The Standing Committee considered Mr. Maher's appeal at its 19<sup>th</sup> meeting, which was held on 22 July 2015.

9. The Standing Committee upheld the decision of the WHO Staff Pension Committee. The Standing Committee noted that Mr. Maher had made an election after 1 April 2007 to receive a deferred retirement benefit. Consequently, he was precluded from electing to

13. WHO's programme of reform emphasizes the importance of mobility, which includes staff members finding job opportunities outside WHO and the United Nations common system. The Fund's Working Group on Plan Design has also noted that pension arrangements need to respond to the greater mobility of the workforce.

14. Mr. Maher also argues that it is unjust that the Regulations require staff members to make an election between benefits after separation from service when the consequences of their election may be unknown. The Standing Committee failed to consider these matters in reaching its decision.

#### The Fund's Answer

15. A participant in the same position as Mr. Maher upon his separation from WHO in December 2009, that is, a participant who separates from the Fund after five or more years of contributory service and prior to reaching early or normal retirement age, has the following options available to him or her: (a) to elect to receive a withdrawal settlement under Article 31 of the Regulations; (b) to elect to receive a deferred retirement benefit under Article 30 of the Regulations; or (c) to defer his or her choice of benefit for a period of



Considerations

24. Article 24(a) of the Fund's Regulations on restoration of prior contributory service provides as follows:

In certain circumstances, a participant may elect, within one year of the recommencement of participation, to restore his or her most recent period of contributory service. A participant re-entering the Fund on or after 1 April 2007, who previously had not, or could not have, opted for a periodic retirement benefit following his or her separation from service, may, within one year of the recommencement of participation, elect to restore his or her most recent period of prior contributory service. Furthermore, and under the same terms and conditions, restoration of the most recent period of contributory service may also be elected if, before 1 April 2007, a participant had elected under article 30, or was deemed to have elected under article 32, a periodic deferred retirement benefit that was not yet in payment at the time of election to restore[.]

25. We agree that Article 24(a) of the Regulations confers the right to restore prior contributory service only to participants who upon separation had elected to receive a withdrawal settlement, or, who before 1 April 2007 had elected, or were deemed to have elected, to receive a deferred retirement benefit under Article 30 of the Regulations that was not yet in payment at the time of the election to restore.

26.

