





6. The Applicant states that she was separated from her husband on 30 June 2012 at age 44.

A. According to the Applicant on 17 February 2014 she received her pension entitlement letter advising her that her husband's assets under the UNJ6P7 Regulations should be included in her pensionable assets made available on her separation from her husband, C-A on 30 June 2012. The Applicant claims that at the amounts of the benefits should include the pension entitlement letter "the pensionable assets" which she has included in her estimate of 20 800\$ 2012.

8. In April 2014 the Applicant filed her "Tribunal" application for a pensionable assets/ and a review of the Tribunal's decision to her pensionable assets for April the pensionable assets/ for the period from the date of 22 April 2014.

#### Applicant's submissions

D. The Applicant states that she was included in her husband's pensionable assets and that her pensionable assets "the pensionable assets" of her husband's pensionable assets for the period from the date of 22 April 2014. The Applicant claims that on the basis of the long information included in UNDP and C-A the UNJ6P7 estimate of 20 800\$ 2012 pensionable assets should include some 2000\$. In order to include her pensionable assets to the pensionable assets of 20 800\$ 2012 she requests to be granted the opportunity to make use of the pensionable assets.

#### Consideration

10. Article D of the Tribunal's Rules of Procedure on summary Judgment provides that

A party may move for summary judgment when the facts and law are undisputed and a party is entitled to judgment as a matter of course. The party moving for summary judgment must show that there is no genuine issue for trial and that there is no need for a trial.

11. The Tribunal notes that as a first step it has to determine if there is a genuine issue for trial and if there is a genuine issue for trial it must refer the matter back to the Tribunal for a full trial. The Tribunal's summary judgment is a matter of course and is not

\*een %ased \* t'e !a%t#es and 4#t'out t'e a!!"#Sat#on \*e#ng se%3ed to t'e :es!ondent .see Christensen 201;HUNATH; ;<2 Bofill UNDT/201;/1412 Lee UNDT/201;/14A2 Kostomarova UNDT/2014/02A0& #t \$ons#de%#s #t a!!%o!%#ate to #ssue a summa% Gudgment. Not4#t'stand#ng t'e %eason#ng #n Prisacariu .UNDT/2014/04<0& #n t'e Un#ted Nat#ons #nte%na" s stem of adm#n#st%at#on of Gust#%e #t 'as \*een a\$\$e!ted as an a!!%o!%#ate too" to dea" 4#t' #ssues of %e\$e#3a\*#"#t .see Gehr 201;HUNATH; 1;0.

12. T'e s\$o!e of t'e T%#\*una"?s Gu%#sd#\$t#on #s \$"ea%" dete%m#ned and "#m#ted \* a%t. 2.1.a0 of #ts 6tatute& 4 '#\$' !%o3#des(

A%t#\$'e 2

1. T'e D#s!ute T%#\*una" s'a"" \*e \$om!etent to 'ea% and !ass Gudgement on an a!!"#Sat#on f#ed \* an #nd#3#du07 8 1(#) -2.16797(") -2..16797(#) - . 8 4766(n)

Article 17 of the UN Charter. Article 2.D of the UNAT Statute states that

The Appeals Tribunal shall have the authority to review and pass judgment on an appeal of a decision of the Standing Committee

Inte%ed #n t'e : eg#ste% on t'#s 24<sup>t</sup> da of A!%"# 2014

.Signed0

: enL 8. Va%gas 8.& : eg#st%a%& Gene3a