

# **ADMINISTRATIVE RULES OF THE UNITED NATIONS JOINT STAFF PENSION FUND**

## **SECTION K**

### **REVIEW AND APPEAL**

#### **General**

**K.1** The staff pension committee of each member organization shall, at the instance of any person who is entitled to submit an application under article 48 of the Regulations, review any decision taken by it or by its secretary in the exercise of powers conferred by the Regulations or these Rules.

**K.2** The Standing Committee, acting on behalf of the Board, shall in like manner review any decision taken by it under rule H.1 above in which the medical conclusions are in dispute, any decision referred to it under rule K.6 below, and any decision by the Secretary of the Board which is not otherwise subject to review.

**K.3** The decision shall, upon review, be either confirmed, rescinded, or varied to the extent necessary to bring it into conformity with the Regulations and these Rules.

**K.4** An appeal shall lie to the Standing Committee, acting on behalf of the Board, from the decision of a staff pension committee taken upon review, and to the United Nations Administrative Tribunal, in accordance with article 48 of the Regulations, from the decision of the Standing Committee taken either upon appeal as above or upon review under rule K.2 above.

#### **Procedure for review**

**K.5** A review shall be initiated by delivery to the secretary of the staff pension committee, or to the Secretary of the Board if the review is by the Standing Committee, within ninety days of receipt of notification of the disputed decision, of a notice in writing stating the points of fact or of law contained in the decision which are disputed, and the grounds upon which the request for the review is founded; the staff pension committee, or the Standing Committee as the case may be, may nevertheless, upon good cause shown, accept for review a request notice of which was delivered after the expiry of the period prescribed above.

**K.6** A review by a staff pension committee shall, unless rule K.7 below applies, be completed within sixty days of the delivery of the notice prescribed under rule K.5 above, failing which the request shall be referred by the secretary to the Secretary of the Board and the review shall thereupon be made instead by the Standing Committee on behalf of the Board.

**K.7** (a) Where the outcome of the review turns in whole or in part on the medical conclusions on which the disputed decision was based, the staff pension committee, or the Standing Committee as the case may be, shall obtain the advice of a medical board on the correctness or otherwise of such conclusions before proceeding with the review.

(b) The medical board shall consist of a medical practitioner selected by the participant or person requesting the review, the medical officer of the organization or a medical practitioner designated by him or her, and a third medical practitioner selected in agreement by the former two who shall not be the medical officer of a member organization; the board shall undertake such further examination of the medical conclusions at issue, and/or of the person who is the subject of the review, as it considers desirable, and shall report its conclusions in writing to the staff pension committee or the Standing Committee, as the case may be, which shall thereupon proceed with the review.

(c) If the decision resulting from the review varies the disputed decision, the medical fees and expenses of the medical board shall be borne by the Fund; if the disputed decision is confirmed, the medical fees and expenses of the practitioner selected by the participant or person requesting the review and half the medical fees and expenses of the third practitioner shall be borne by the applicant and the remainder by the Fund; indebtedness by a participant under this rule may be recovered in accordance with article 43 of the Regulations.

### **Procedure for appeal**

**K.8** (a) An appeal to the Standing Committee, acting on behalf of the Board, from the decision of a staff pension committee taken upon review shall be initiated by delivery to the Secretary of the Board, within sixty days of notification of the decision appealed against, of a notice in writing stating the points of fact or of law contained in the decision which are disputed, and the grounds upon which the appeal is founded; the Standing Committee may nevertheless, upon good cause shown, agree to consider an appeal notice of which was delivered after the expiry of the period prescribed above.

(b) An appeal to the United Nations Administrative Tribunal from the decision of the Standing Committee, acting on behalf of the Board, shall be in accordance with the Statute and Rules of the Tribunal.