UNITED NATIONS APPEALS TRIBUNAL
TRIBUNAL D'APPEL DES NATIONS UNIES

participation in the UNJSPF, by 22 December 2006 at the latest, i.e. 36 months after separation.

7. By letter dated 12 June 2006, the ICJ brought the UNJSPF's request to Laeijendecker's attention and asked him to submit his payment instruction to the UNJSPF either directly or through the ICJ Personnel Department.

8. In a letter dated 21 September 2006 to the UNJSPF, Laeijendecker explained that the letter of 12 June 2006 from the

Laeijendecker alleged that he had consulted Dutch specialists, who could confirm his full disability as a permanent condition.

11. In a letter dated 8 October 2008, the Chief of the UNJSPF Office in Geneva informed Laeijendecker of the scheduled meeting of the UNSPC on 19 November 2008 and the UNJSPF's intention to submit his case for consideration for a disability benefit at that meeting. He invited Laeijendecker to confirm his wish to pursue the matter and to submit a summary of the exceptional circumstances and an up-to-date medical report from his treating physician in support of his claim for a disability benefit by 31 October 2008.

12. In a reply letter dated 30 October 2008, Laeijendecker confirmed his wish to pursue his case. Regarding evidence of exceptional circumstances, Laeijendecker requested that his previous letters be forwarded to the UNSPC. As for an up-to-date medical report, Laeijendecker stated that his medical history files were not at his disposal, but gave the UNSPC the permission to contact his family doctor directly for the needed information.

13. On 24 November 2008, the Chief of the UNJSPF Office in Geneva informed Laeijendecker of the outcome of the UNSPC's deliberations on 19 November. The UNSPC had rejected Laeijendecker's request for a disability benefit as not receivable because it had not been submitted within the time limit, and there did not appear to be any exceptional circumstances warranting a waiver of the time limit.

14. In a letter dated 5 February 2009 to the UNSPC, Laeijendecker contested the decision by the UNSPC to reject his request for a disability benefit, and challenged the UNSPC to refute his arguments about the exceptional circumstances.

15. At a meeting held on 22 April 2009, the UNSPC examined Laeijendecker's request for review of its 19 November 2008 decision. It confirmed its earlier decision in respect of Laeijendecker's disability request. According to the Chief of the UNJSPF Office in Geneva, the UNSPC concluded that Laeijendecker's appeal against his separation from the ICJ

> could not be entertained as exceptional circumstances justifying submission of [his] request some 3 years after [his] date of separation from service in 2004. Additionally, the UNSPC noted that after [his] separation from service in 2004, [Laeijendecker was]

> in contact with the Fund concerning access to [his] Annual Statement and that it was only when the Fund requested [his] payment instructions in 2006 that [he] came forward with [his] disability request

16. By letter dated 10 July 2009, Laeijendecker appealed the decision of the UNSPC

Submissions

Laeijendecker's Appeal

20. Laeijendecker maintains that the fact that he filed his submission late does not disqualify him from seeking recourse before this Tribunal, as he has pleaded several exceptional circumstances. Laeijendecker states that he applied within [illegible] months after receiving information about this Pension Fund as from the UNJSPF in 2006. It was beyond his control to have received such information in such a belated manner. He was under the impression that his case was being dealt with by the ICJ. Due to this illness, he was medicated and incapable of seeing the matter through. He did not ascertain

Judgment

36. The appeal is dismissed.

Original and Authoritative Version: English

Dated this 8th day of July 2011 in Geneva, Switzerland.

(*Signed*)	(*Signed*)	(*Signed*)
Judge Weinberg de Roca, Presiding	Judge Garewal	Judge Faherty

Entered in the Register on this 29th day of August 2011 in New York, United States.

(*Signed*)

Weicheng Lin, Registrar