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

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Judgment No. 2022-UNAT-1198



**Mehmet Selman Ergüden**

Counsel for Appellant: Self-represented

Counsel for Respondent: Rosemarie McClean



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would have been around 50 per cent of its dollar-track amount. Prior to April 2015, the ratio of total benefit amount paid to Mr. Ergüden was between 100 per cent and 122 per cent during the period August 2007 to March 2015. During this period, Mr. Ergüden understandably raised no complaint about his benefit.

15. However, not long after Mr. Ergüden's pension began to decline, on 20 December 2015 and again on 7 August 2016, he enquired about the possibility of reverting to the US dollar track.

16. On 10 August 2016, the UNJSPF advised Mr. Ergüden that following his 2009 election to have his benefit paid in the local track for Turkey, and in accordance with Paragraph 31 of the PAS, he was unable to revert payment of his benefit to the dollar track unless he moved to the United States or to a country where the local track was not applicable.

17. On 23 December 2019 and 25 March 2020, Mr. Ergüden requested the UNJSPF to consider his request, on an exceptional basis, to revert payment of his benefit to the dollar track.

18. On 5 October 2020, the Chief of Operations of the UNJSPF addressed a letter to Mr. Ergüden in which she informed him that since he had not relocated to another country of residence nor moved from a different country to his country of nationality or to the country of





27. Mr. Ergüden submits that that PAS “only safeguards the rights and benefits of the pensioners residing in the countries where the national currencies, the fiscal and the economic policies and conditions are stable” and that it is unfair and against basic human rights that pensioners should have to accept such risk and be expected to change their country of residence in order to regain their “already established rights/benefits”.

28. Mr. Ergüden requests that: i) the PAS be reviewed and corrected “to facilitate justice and equality to all pensioners” and specifically making the “adjusted Dollar amount to be the minimum pension payment (the base) which ever track option the pensioners had selected” ii) there are periodic opportunities granted to pensioners to review and change their option as to which track they prefer; iii) the status of Turkey should be carefully and urgently reviewed as to whether there is under-reporting of CPI,



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37. Mr. Ergüden has sought to widen the ambit of the relief he seeks against the UNJSPF on appeal. He, in effect, wants the UNAT to compel the Chief Executive of Pension Administration to suspend Turkey from the two-track. There is no proper basis to grant such relief. Firstly, there is no evidence that Mr. Ergüden asked the Chief Executive of Pension Adminis-10.1 (ns)-6pnsan 3.3974 0 4t (n A)4 (d)-6.1 (n(r)-1.1(i)-4.S.1()-3.1 ( t)11 (wTw 0.35a8r(ie)-

39. The appeal must accordingly fail.

**Judgment**

40. The appeal is dismissed and the decision of the Standing Committee is affirmed.

Original and Authoritative Version: English

Dated this 18<sup>th</sup> day of March 2022.

*(Signed)*

Judge Murphy, Presiding  
Cape Town, South Africa

*(Signed)*

Judge Halfeld  
Juiz de Fora, Brazil

*(Signed)*

Judge Colgan  
Auckland, New Zealand

Entered in the Register on this 19<sup>th</sup> day of April 2022 in New York, United States.

*(Signed)*

Weicheng Lin, Registrar