

UNITED NATIONS DISPUTE TRIBUNAL

## **Introduction**

1.





Case No

retroactive application of rules and regulations. As the Appeals Tribunal held in *Cranfield*, the Administration is entitled to remedy a situation when it has made an unlawful decision or illegal commitment, which is the case in this matter.

29. The Applicant submits that overpayment may not be recovered beyond two years. The Tribunal notes that the Administration in fact limited the amount to be recovered for the period between March 2016 and October 2017 in accordance with sec. 5.1 of CF/AI/2009-002 (Recovery of overpayments), which provides that while overpayment resulted from an administrative error on the part of UNICEF and that the staff member was unaware or could not reasonably have been expected to be aware of the overpayment, recovery of the overpayment will be limited to the amounts paid during the two-

30. Accordingly, the Tribunal finds that the Administration lawfully recovered overpayment of entitlements resulted from an administrative error.

**Conclusion**

31. In light of the foregoing, the Tribunal rejects the application.

*(Signed)*

Judge Alexander W. Hunter, Jr.

Dated this 28<sup>th</sup> day of May 2020

Entered in the Register on this 28<sup>th</sup> day of May 2020

*(Signed)*

Nerea Suero Fontecha, Registrar, New York