
UNITED NATIONS APPEALS TRIBUNAL
TRIBUNAL D 'APPEL DES NATIONS UNIES

Judgment No. 2024-UNAT-1447



Iyofe Christine Isasi
(Appellant)

v.

United Nations Joint Staff Pension Board
(Respondent)

JUDGMENT

Before:	Judge Kanwaldeep Sandhu, Presiding Judge Gao Xiaoli Judge Nassib G. Ziadé
Case No:	2023-1834
Date of Decision:	28 June 2024
Date of Publication:	22 July 2024
Registrar:	Juliet E. Johnson

Counsel for Appellant:	Self-represented
Counsel for Respondent:	Rosemarie McClean

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12. Following the information provided by Ms es. Isasi and M. T., the Fund gathered information about the dates

24. The UNJSPB observes that there is no reason to doubt the authenticity of the marriage

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(iv) Evidence is provided that a divorce settlement does not have an express renunciation of UNJSPF pension benefit entitlements;

32. The Appeals Tribunal has previously held that “as a matter of practice and principle, the surviving spouse asserting entitlement to a widow’s benefit normally bears the burden to prove the condition precedent to entitlement, namely that [she/he] was married to a participant who died in service at the date of [her/his] death”.²⁰

33. Therefore, the participant or the person claiming a benefit has the burden of providing proof of entitlement on a balance of probabilities.²¹ Rule B.3(a) of the Administrative Rules of the UNJSPF provides that “the participant shall be responsible for providing the information in rule B.2 and for notifying the organization of any changes which occur therein; the participant may be required to submit documentary or other proof of such information to the organization or the secretary of the committee”.

34. Rule B.2 states that this information “shall normally include the name of the participant and the date of commencement of participation, date of birth, sex and marital status, and, as the case may be, the names and dates of birth of the participant’s spouse, children under the age of 21, and secondary dependants; *the organization shall verify, to the extent possible, the*

37. Subsequently, the UNJSPF received an affidavit from Mr. Kankwenda stating that he had been married to Ms. M.T. since 17 January 1971, but he failed to provide a marriage certificate as supporting evidence.

38. After

43. The Appellant also relies on the divorce proceeding pronouncements issued by the Maryland Court. She contends that the Court pronounced that she was legally married to Mr. Kankwenda on 17 March 1980 and that he “admitted” to this in the court transcripts. There is no evidence provided that Mr. Kankwenda “admitted” to the legal marriage in the court proceedings. Rather, the divorce judgment specifically confirmed that Mr. Kankwenda denied that he was legally married to the Appellant. Indeed, Mr. Kankwenda had even provided an affidavit to the court attesting to this.²³ The Maryland Court of Appeals in *Griffin v. Griffin*, 372 Md. 681 (2002), held that a party who testifies that they are not married to another person is not bound by their own testimony if they have provided an affidavit attesting to the contrary. *Griffin v. Griffin*, 372 Md. 681 (2002). The Appellant’s reliance on the divorce proceeding pronouncements issued by the Maryland Court is therefore misplaced. The Appellant’s contention that she was legally married to Mr. Kankwenda on 17 March 1980 is not supported by the evidence. The divorce judgment specifically confirmed that Mr. Kankwenda denied that he was legally married to the Appellant. Indeed, Mr. Kankwenda had even provided an affidavit to the court attesting to this.²³ The Maryland Court of Appeals in *Griffin v. Griffin*, 372 Md. 681 (2002), held that a party who testifies that they are not married to another person is not bound by their own testimony if they have provided an affidavit attesting to the contrary. *Griffin v. Griffin*, 372 Md. 681 (2002). The Appellant’s reliance on the divorce proceeding pronouncements issued by the Maryland Court is therefore misplaced. The Appellant’s contention that she was legally married to Mr. Kankwenda on 17 March 1980 is not supported by the evidence.

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48. The marriage to Ms. M.T. took place in the DRC. The laws12 0 t91.1 h RC-1.7 , (w)-1.1 hh pal-15

