

UNDT/2012/102, Servas

UNAT Held or UNDT Pronouncements

Tribunal's review of eligibility for benefits: The Secretary-General has no discretion to grant or deny a benefit provided for in the Staff Regulations and Rules and is bound, in this respect, by the applicable rules. Accordingly, when the matter before the Tribunal concerns the refusal to grant a benefit, the Tribunal may only examine whether the staff member was eligible for, or entitled to, such benefit, without taking into account the grounds for refusal provided by the Administration. The fact that other staff members in the same situation may have been granted the disputed benefit is irrelevant. Entitlement to repatriation grant: It is clear from annex IV to the Staff Regulations that an eligible staff member must relocate upon separation in order to be entitled to a repatriation grant. Entitlement to payment of travel expenses to place of home leave: In accordance with staff rules 7.1(b) and 5.2(c), the qualifying two years of continuous service for the payment of travel expenses to the place of home leave upon separation begin to accrue from the effective date the staff member became eligible for home leave. Outcome: Application rejected on the merits

Decision Contested or Judgment/Order Appealed

The Applicant contests the decision denying her the payment of a repatriation grant and of her travel expenses (to her place of home leave) on separation from service. The Tribunal finds that she was not eligible for either benefit. As regards the repatriation grant, she did not relocate upon separation. Concerning the payment of travel expenses to her place of home leave, she had not completed two years of continuous service from the effective date of her becoming eligible for home leave.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Servas

Entity

ITC

Case Number(s)

UNDT/GVA/2012/006

Tribunal

UNDT

Registry

Geneva

Date of Judgement

2 Jul 2012

Duty Judge

Judge Cousin

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

TEST -Rename- Benefits and entitlements-45

Home leave

Repatriation grant

Separation travel

Applicable Law

Staff Regulations

- Annex IV

Staff Rules

- Rule 5.2
- Rule 7.1