

UNDT/2016/104, Nikwigize

UNAT Held or UNDT Pronouncements

The Applicant submitted three sets of education grant claims, on 19 November 2012, 12 July 2013, and 8 September 2014 in respect to the relevant school years. The Tribunal found that on 14 February 2013, 11 September 2013, and 2 October 2014, respectively, OHRM made decisions not to process the three claims, pending settlement of the Applicant's claim in respect to the 2011–2012 school year. It was alleged that the Applicant had submitted misleading or false documents in respect to this claim. The Applicant submitted a request for management evaluation in respect of all three of his education grant claims on 30 October 2014. The Tribunal found that only the challenge in respect of the third claim, submitted on 8 September 2014, and resulting in a decision from OHRM on 2 October 2014, was receivable. The Tribunal found that the Administration was entitled to withhold the processing of the education grant claims submitted on 8 September 2013. While the Respondent acknowledged the delay in resolving the education grant claims submitted by the Applicant, the Tribunal found that there was no evidence that the delay had caused distress or moral prejudice to the Applicant. Consequently, the appeal against the contested decision not to process the Applicant's 19 November 2012 claim for reimbursement for education costs for the 2011-2012 school year and for an advance for the 2012-2013 school year, the contested decision not to process the Applicant's 12 July 2013 claim for reimbursement for education costs for the 2012-2013 school year and for an advance for the 2013-2014 school year, and the contested decision regarding the Applicant's claim for education grant travel are not receivable. The appeal against the contested decision not to process the Applicant's 8 September 2014 claim for education costs for the 2013-2014 school year is rejected.

Decision Contested or Judgment/Order Appealed

The Applicant, a former Senior Programme Officer in the Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States filed an application contested decisions to withhold the processing of education grant claims for the 2011–2012, 2012–2013 and 2013–2014 school years. He also contested a decision relation to education grant travel. he Applicant submitted three sets of education grant claims, on 19 November 2012, 12 July 2013, and 8 September 2014 in respect to the relevant school years. The Tribunal found that on 14 February 2013, 11 September 2013, and 2 October 2014, respectively, OHRM made decisions not to process the three claims, pending settlement of the Applicant's claim in respect to the 2011–2012 school year. It was alleged that the Applicant had submitted misleading or false documents in respect to this claim. The Applicant submitted a request for management evaluation in respect of all three of his education grant claims on 30 October 2014. The Tribunal found that only the challenge in respect of the third claim, submitted on 8 September 2014, and resulting in a decision from OHRM on 2 October 2014, was receivable. The Tribunal found that the Administration was entitled to withhold the processing of the education grant claims submitted on 8 September 2013. While the Respondent acknowledged the delay in resolving the education grant claims submitted by the Applicant, the Tribunal found that there was no evidence that the delay had caused distress or moral prejudice to the Applicant. Consequently, the appeal against the contested decision not to process the Applicant's 19 November 2012 claim for reimbursement for education costs for the 2011-2012 school year and for an advance for the 2012-2013 school year, the contested decision not to process the Applicant's 12 July 2013 claim for reimbursement for education costs for the 2012-2013 school year and for an advance for the 2013-2014 school year, and the contested decision regarding the Applicant's claim for education grant travel are not receivable. The appeal against the contested decision not to process the Applicant's 8 September 2014 claim for education costs for the 2013-2014 school year is rejected.

Legal Principle(s)

Education grant claims where a previous claim has not been settled: The Tribunal is of the view that a claim for education grant submitted under sec. 7 of ST/AI/2011/4 is to be processed only after a request for an advance in respect to the same school year is cleared if such a request was previously submitted.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Nikwigize

Entity

OHRLLS

Case Number(s)

UNDT/NY/2015/25

Tribunal

UNDT

Registry

New York

Date of Judgement

1 Aug 2016

Duty Judge

Judge Greceanu

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

TEST -Rename- Benefits and entitlements-45

Education grant

Education grant travel

Jurisdiction / receivability (UNDT or first instance)

Applicable Law

Administrative Instructions

- ST/AI/2011/4

Secretary-General's bulletins

- ST/SGB/2013/3
- ST/SGB/2014/1

Staff Rules

- Rule 11.2
- Rule 3.9
- Rule 4.5

UNDT Statute

- Article 8.1