

UNDT/2018/046, Castelli

UNAT Held or UNDT Pronouncements

The Applicant's education grant claim for his four-year-old son did not fall under the exception of section 2 of ST/AI/2011/4 Amend 1. To the extent that the entitlement for private tuition in the mother tongue of the; Applicant was part and parcel of the education grant and not separate from it, the Applicant would be entitled to it only where the child in respect of whom he makes the claim is entitled to an education grant. This Tribunal cannot decide as to whether the Applicant ought to have been allowed during the management evaluation process to review any documents and whether failure to do so worked to his prejudice or indeed whether the management evaluation unit properly discharged its obligations to the Applicant.

Decision Contested or Judgment/Order Appealed

The Applicant challenged the Respondent's decisions not to pay an education grant and reimbursement for mother tongue tuition expenses in respect of his son.

Legal Principle(s)

The principle of regularity can be properly applied to the actions of the personnel of the administration of the United Nations in the performance of their official duties unless there is credible evidence to rebut the presumption. While a request for management evaluation is a condition for approaching the Tribunal by a staff member, the mandate of the Tribunal does not include considering how management review was carried out. In other words, the Tribunal is mainly concerned with the legality or illegality of appealed administrative decisions, and does not adjudicate on the objectivity or impartiality of the process of management evaluation

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Castelli

Entity

UNIFIL

Case Number(s)

UNDT/NBI/2017/40

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

4 Apr 2018

Duty Judge

Judge Izuako

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

TEST -Rename- Benefits and entitlements-45

Education grant

Due process

Right to comment/respond

Management Evaluation

Applicable Law

Administrative Instructions

- ST/AI/2011/4

Secretary-General's bulletins

- ST/SGB/2005/7