

UNDT/2018/111, Valeanu

UNAT Held or UNDT Pronouncements

The distinction between reimbursement of 100 per cent of admissible educational expenses for a child with a disability who attends a regular education institution depends on whether the necessary special arrangements are provided by the educational institution or not. If the institution does not provide such arrangements, the special teaching expenses are reimbursed at 100% but the educational expenses are reimbursed at the regular rate of 75%. Sec. 14.1 has to be read in conjunction with sec. 12 of the ST/AI/2011/4, which defines admissible expenses for the special education grant as “expenses required to provide an educational programme designed to meet the needs of the child with a disability so that he or she may attend the highest level of functional ability”. This means that the staff member is only entitled to the special education grant when the regular institution that the child attends provides him or her with a special educational programme so as to allow him or her not only to attend that school but also to maximize his or her functional abilities. The Tribunal concurred with the Respondent’s view that the evidence on file does not allow to conclude that the School provided the speech and language lessons to the Applicant’s child. Instead, from the evidence on file, the Tribunal concludes that what was implemented was an ad hoc private tuition in speech language, which was facilitated by the School. The Tribunal underlined that the rationale behind the special education grant’s provision is of a specific nature. It is intended to safeguard those situations in which the school itself prepares and allocates its own human resources and logistics to accompany the child and help him or her on a daily and continuous basis to attend a regular school. The Tribunal found that the Administration was correct in reimbursing the Applicant at a rate of 75% for the admissible expenses incurred at the School for the academic year 2015-2016.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to calculate the education grant for his son for the school year 2015-2016 at a rate of 75% rather than 100% of admissible expenses.

Legal Principle(s)

Under sec. 4.1(a) of ST/AI/2011/4, when a child attends an educational institution at the duty station, the amount of the grant shall be 75% of the admissible costs of attendance, up to predefined maximum amounts. In turn, under sec. 13.1 of the same administrative instruction, the amount of the grant for each child with disability shall be 100% of the admissible educational expenses actually incurred, still subject to predefined maximum amounts.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Valeanu

Entity

UNOG

Case Number(s)

UNDT/GVA/2017/008

Tribunal

UNDT

Registry

Geneva

Date of Judgement

19 Nov 2018

Duty Judge

Judge Bravo

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Benefits and entitlements

Education grant

Applicable Law

Administrative Instructions

- ST/AI/2011/4