

# UNDT/2020/135, Wesslund

## UNAT Held or UNDT Pronouncements

The Tribunal noted that in accordance with ST/AI/2018/1, eligibility of international staff members for education grant in respect of their children is to be determined by inter alia the conditions that: a) the child is in full-time attendance at an educational institution at the primary level or above, and b) the child is five years of age or older at the beginning of the academic year, or the child reaches the age of five within three months of the beginning of the school year. The Tribunal found that UNICEF correctly considered that at both periods for which the Applicant applied for education grant, her child did not meet the minimum eligibility age requirements for education grant, as he was born on 14 December 2012 and only reached age five on 14 December 2017. The Tribunal further noted that ST/AI/2018/1 exceptionally allow a lower minimum eligibility age for eligibility to receive education grant. This exception, however, only applies when a child is required by the law of the country where the child attends school to commence formal primary education at an earlier age. The Applicant's child was enrolled in primary education in Dhaka, namely the Applicant's duty station, and no evidence was provided to support that the laws of Bangladesh required the Applicant to place her child in primary education at the age of four. The Tribunal therefore considered the contested decisions were lawful and the applicant was not entitled to the remedies sought. It also found that the circumstances of the case did allow to award costs against the Applicant for an abuse of the proceedings under art. 10(6) of its Statute, as requested by the Respondent.

## Decision Contested or Judgment/Order Appealed

The decisions not to grant the Applicant education grant for her son for part of the 2016/2017 school year and for the full 2017/2018 school year.

## Legal Principle(s)

N/A

## Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Wesslund

Entity

UNICEF

Case Number(s)

UNDT/GVA/2018/065

Tribunal

UNDT

Registry

Geneva

Date of Judgement

4 Aug 2020

Duty Judge

Judge Buffa

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

TEST -Rename- Benefits and entitlements-45

Education grant

Applicable Law

Administrative Instructions

- ST/AI/2011/4
- ST/AI/2018/1

Related Judgments and Orders

UNDT/2018/046