

UNDT/2021/088, Younis

UNAT Held or UNDT Pronouncements

The facts of the case amounted to two decisions being challenged: the decision of the RSCE to deny the Applicant's request for education grant for his son for the 2019-2020 academic year, in total or prorated, and the Head of Mission's refusal to grant the Applicant an exception under staff rule 12.3(b). The Applicant only requested management evaluation of the RSCE decision. To the extent that the Applicant contested the decision of the Head of Mission, the application was not receivable since the Applicant failed to request management evaluation of that decision. The Applicant did not demonstrate any extraordinary individual circumstances warranting an exception to the eligibility requirements; instead he argued against application of the regulatory act, which in itself was not unfair or unreasonable and which had been in place when the Applicant made a decision about his child's schooling. The impugned decision was legal and reasonable thus the application was dismissed.

Decision Contested or Judgment/Order Appealed

The Applicant challenged the administration's refusal to pay education grant for his five-year old son for the 2019-2020 academic year because his son had not reached the age of five within three months of the start of the school year as required by section 2.3 of ST/AI/2018/1/Rev.1.

Legal Principle(s)

Proration is not available to staff members who are not eligible for the education grant in the first place. ST/AI/2018/1/Rev.1 does not envisage the proration option for staff members whose children turn five years old after the cut-off date for establishing the education grant eligibility. In the interest of fairness, and, as may be properly added, legal certainty, economy, efficiency in administration, which are all general interests of the Organization, ST/AI/2018/1/Rev.1. must be consistently applied to all staff members, unless there would be extraordinary circumstances.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Younis

Entity

UNAMID

Case Number(s)

UNDT/NBI/2021/1

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

27 Jul 2021

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

TEST -Rename- Benefits and entitlements-45

Education grant

Applicable Law

Administrative Instructions

- ST/AI/2018/1/Rev.1

Staff Rules

- Rule 12.3(b)