

UNDT/2023/107, Applicant

UNAT Held or UNDT Pronouncements

The issue in this case is whether EG and SEG consist of two independent benefits that can be granted in combination.

Pursuant to sec. 6.1(a) of ST/AI/2018/2/Amend.1, the overall maximum amount of SEG shall be equal to the upper limit of the top bracket of the global sliding scale applicable to the education grant scheme. The law does not allow an interpretation where EG and SEG can be “stacked”.

Indeed, the difference between EG and SEG is in the percentages of reimbursement that eligible staff members are entitled to receive. This difference in reimbursement percentage addresses the Applicant’s position: the SEG was created to support staff members whose children with disability require a bigger financial assistance.

It does not mean that staff members requiring SEG should be getting SEG plus EG.

Furthermore, the Applicant asks that his case be treated as an exception under staff rule 12.3(b). However, the decision to treat the Applicant’s case as an exception is a matter of administrative discretion and not of judicial mandate. There is no room for judicial intervention in this regard.

Finally, the Applicant contends that the interpretation conveyed in the contested decision is discriminatory against staff members whose children have disability, and especially those based at duty stations where regular education fees are high, such as Vienna. This argument is noteworthy, but it is not enough to render the contested decision unlawful. The Tribunal is not mandated to review the Organization’s legislative decisions, which is what the Applicant’s argument calls for.

Therefore, a plain reading of the relevant legal provisions indicates that the EG and the SEG are subject to the same single maximum limit rather than two separate limits that can be stacked. The contested decision is lawful.

Decision Contested or Judgment/Order Appealed

The Applicant contests the decision to not allow Education Grant (“EG”) and Special Education Grant (“SEG”) to be paid in combination.

Outcome

Dismissed on merits

Outcome Extra Text

For additional related judgments see also: UNAdT Judgment No. 1157 (2003)

Full judgment

[Full judgment](#)

Applicants/Appellants

Applicant

Entity

UNOV

Case Number(s)

UNDT/GVA/2023/012

Tribunal

UNDT
Registry
Geneva
Date of Judgement
21 Sep 2023
Duty Judge
Judge Tibulya
Language of Judgment
English
Issuance Type
Judgment
Categories/Subcategories
Education grant
Definition
Special Education Grant
Administrative decision
TEST -Rename- Benefits and entitlements-45
Applicable Law
UNDT Statute

- Article 11

UNDT RoP

- Article 26

Staff Rules

- Rule 3.9
- Rule 11.2(a)
- Rule 12.3(b)

GA Resolutions

- A/RES/70/244

Secretary-General's bulletins

- ST/SGB/2018/1/Rev.2: Appendix B

Administrative Instructions

- ST/AI/2018/2/Amend.1: sec. 6.1 and sec. 6.2

Related Judgments and Orders

2014-UNAT-481
2016-UNAT-639
2014-UNAT-456
2020-UNAT-1044
2014-UNAT-460
2019-UNAT-967
2022-UNAT-1262