

# **2025-UNAT-1569, Nicole Wynn**

## **UNAT Held or UNDT Pronouncements**

The UNAT was of the view that the UNDT's analysis of the applicable legal framework governing the education grant, specifically the costs admissible for reimbursement, had been erroneous and the UNDT had exceeded its jurisdiction when it found the promulgation of the amended administrative instruction unlawful. The UNAT found that the UNDT had failed to provide the reasons, facts and law on which it had based its judgment.

The UNAT held that the fees which were clearly intended to cover extra-curricular activities or general non-academic services, and were not intended to cover administrative costs for enrolment or teaching were not admissible.

The UNAT held that the fee which was intended to support university-wide technological initiatives was an essential element of tuition, and was, thus, an admissible expense. The UNAT noted that if the Secretary-General had had serious suspicions about the specific subcomponents of these technological initiatives, reasonable efforts could have been made to approach the staff member or the educational institution to inquire about them.

The UNAT found that the UNDT had erred in fact, resulting in a manifestly unreasonable decision, when it awarded compensation for material damage. The UNAT was of the view that there had not been enough evidence of a nexus (causative connection) between the illegality of the contested decisions and the losses incurred by the staff member.

The UNAT granted the appeal in part and modified the UNDT Judgment.

## **Decision Contested or Judgment/Order Appealed**

A staff member contested a decision not to pay her a portion of the requested education grant advance and a decision to recover a portion of the education grant advance she had received for the prior academic year.

In Judgment No. UNDT/2024/029, the UNDT rescinded both contested decisions, ordered the Secretary-General to reimburse the staff member, and awarded her compensation for material damage.

The Secretary-General appealed.

## Legal Principle(s)

Enrolment-related fees are not only the costs incurred by parents when their children begin their association with a particular school, but also those that can occur at a later stage of studies if schools and/or universities charge fees for the registration into a program, course or class. The relevant question will always be whether the costs occur for the program, course, or class itself, or for the school, college, or university administration's efforts to have a child registered into such a program, course, or class.

The principles for statutory interpretation aim, through constructive interpretation, at giving every word and legal provision effect (*verba cum effectu sunt accipienda*), and reading the words harmoniously within the legal framework.

All fees, whatever their nomenclature, shall be considered enrolment-related fees if they fund the administrative processes that are necessary for the provision of core academic activities. The determination of the admissibility of these fees will depend, on a case-by-case basis, not only on the nomenclature used by the educational institution, but also on the purpose of the expense itself.

The role of the Secretary-General is not to reproduce what the General Assembly had enacted *verbatim* (word for word). Rather, his role is to enact clear and executable provisions that stay within the scope of the higher norms, without inconsistencies.

It is not for the UNDT to evaluate how efficiently the Secretary-General implements General Assembly resolutions or Staff Regulations.

It is the Administration's fiduciary duty to make sure that there are no overpayments to staff members whose children attend schools that ask for a lump-sum tuition fee.

## Outcome

Appeal granted in part

## Outcome Extra Text

The Secretary-General's appeal is granted in part, and Judgment No. UNDT/2024/029 is modified: the impugned Judgment is affirmed in respect of the "Technology fee" and reversed in all other respects that were under appeal. The amount warranted here-above shall be payable with interest at the US Prime Rate accruing from the date on which the contested decisions were issued until the date of issuance of the UNAT Judgment. If the amount is not paid within the 60-day period counting from the date of issuance of the UNAT Judgment, interest at the US Prime Rate plus an additional five per cent shall accrue until the date of payment.

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Nicole Wynn

## Entity

UN Secretariat

## Case Number(s)

2024-1938

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

19 Aug 2025

## President Judge

Ahmed

Judge Colgan

Judge Sandhu

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Education grant

Burden of proof

Evidence of harm

Pecuniary (material) damages

Discrimination and other improper motives

Subject matter (ratione materiae)

Compensation

Jurisdiction / receivability (UNDT or first instance)

Benefits and entitlements

## Applicable Law

Administrative Instructions

- ST/AI/2018/1

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

#### GA Resolutions

- A/RES/70/244

#### Secretary-General's bulletins

- ST/SGB/2009/4

#### Staff Regulations

- Regulation 3.2(a)

#### Staff Rules

- Appendix B
- Rule 3.9

#### UN Charter

- Article 97

#### UNDT Statute

- Article 10.5(b)
- Article 11.1

## Related Judgments and Orders

UNDT/2024/029  
2022-UNAT-1279  
2022-UNAT-1221  
2012-UNAT-277  
2018-UNAT-874  
2017-UNAT-783