
Judgment No. 2023-UNAT-1380



Counsel for Mr. Awad: Not represented

Counsel for the Secretary-General: Amanda Stoltz

1. The United Nations Dispute Tribunal (UNDT) and the United Nations Appeals Tribunal (Appeals Tribunal or UNAT) examined whether certain fees for the attendance of Mr. Awad's child at a university were admissible for computing his education grant. In Judgment No. 2022-UNAT-1279 (prior Judgment)¹, the Appeals Tribunal granted in part the appeal of the Secretary-General of the United Nations and modified the impugned UNDT Judgment² so as to grant in part and dismiss in part Mr. Awad's application.

2. The Secretary-General filed an application for interpretation and correction of the prior Judgment, concerning the amount payable to Mr. Awad.

3. For the reasons set out below, the Appeals Tribunal dismisses the Secretary-General's application.

4. At the relevant time, Mr. Awad served as Chief of the Transport Unit, Sourcing Support Service, Logistics Division, Department of Operational Support, United Nations Secretariat in New York, holding a continuous appointment.⁴ His son was a full-time undergraduate student at a public university in the United States.

5. Mr. Awad paid USD 16,108.15 in total for tuition and various fees towards his son's university education for the 2019-2020 academic year.⁵ This included a "campus fee" of USD 2,394.08, a "school fee" of USD 1,233.50, a "transportation fee" of USD 324.00, and a "BT()T3/TT5 1 Tf0 T

14. The Secretary-General asks the Appeals Tribunal to provide guidance in the form of an interpretation of the amount payable to Mr. Awad and, if appropriate, issue a correction to the prior Judgment.

15. The Secretary-General contends that ST/AI/2018/1/Rev.1, which implements Staff Regulation 3.2, Staff Rule 3.9 and Appendix B to the Staff Rules (applicable legal framework)¹⁸, provides that admissible expenses (both tuition and mandatory enrolment-related fees) are reimbursed on a “sliding scale,” subject to a maximum grant as approved by the General Assembly. Accordingly, were the Administration to reimburse the admissible expenses under ST/AI/2018/1/Rev.1, Mr. Awad would not be entitled to USD 618.00, but to a lesser amount, calculated by applying the methodology set out in the applicable legal framework. Consequently, the Secretary-General submits that guidance is needed on whether to reimburse Mr. Awad USD 618.00 or an admissible amount in respect of expenses calculated in accordance with the applicable legal cD17 Tc -0iD4c7r1TJ-0.0 (l)6.117-0.017 f2.2 6uthprop (c)3 Cl

it for the Tribunal to “decide whether to admit the application for interpretation and, if it does so, shall issue its interpretation”.

19. An application in terms of Article 11(3) for interpretation of a prior Judgment of this Tribunal may only be admitted “if the meaning or scope” of the Judgment “is unclear or ambiguous”.²⁰ In *Abbasi*²¹ it was stated that:

(...) interpretation is only needed to clarify the meaning of a judgment when it leaves reasonable doubts about the will of the Tribunal or the arguments leading to a decision. Tw 0.6.i4.1 61B74(19.A) §WA”BL

for interpretation and correction of the prior Judgment ought to be admitted. For these reasons, the application falls to be dismissed.

29. The Secretary-General's application for interpretation and correction of Judgment No. 2022-UNAT-1279 is dismissed.

Original and Authoritative Version: English

Decision dated this 27th day of October 2023 in New York, United States.

(Signed)

Judge Savage, Presiding

(Signed)

Judge Colgan

(Signed)

Judge Gao

Judgment published and entered into the Register on this 9th day of November 2023 in New York, United States.

(Signed)

Juliet E. Johnson, Registrar