

Introduction

1. On 22 February 2017, the Applicant, an Administrative Officer, Division of Conference Management, United Nations Office at Geneva (“UNOG”), filed an application contesting the decision to calculate the education grant for his son for the school year 2015-2016 at a rate of 75% rather than 100% of admissible expenses.
2. The Respondent filed his reply on 27 March 2017.
3. By Order No. 187 (GVA/2018) of 2 November 2018, the Tribunal asked the parties whether a hearing would be necessary or if the case could be decided on papers. As both parties agreed that the case be decided on the documents, the Tribunal found that it was not necessary to hold a hearing and hereby delivers its judgment.

Facts

4. The Applicant’s son, born on 19 December 2009, has been attending *Collège du Léman* since 2013, a “regular” school in Versoix, Switzerland (“School”).
5. In November 2013, the Applicant’s son was diagnosed ~~with~~,
2013,

7. In a letter dated 8 October 2015, the School confirmed the following:

As [the Applicant's son's] speech difficulties have a direct impact on his ability to read and spell accurately, he works with a private speech and language therapist who has been given special permission by the Collège du Léman to provide therapy during school hours. Close collaboration between [his] class teacher and speech and language therapist is essential.

8. By memorandum of 21 August 2018, the Medical Services Division, UNOG, certified that the Applicant's son has a learning disability for which he receives special support, and recommended the payment of special education grant for the academic years 2014-2015 and 2015-2016.

9. For the academic year 2014-2015, the Applicant submitted his claim for education grant and special education grant. On 11 February 2016, the Administration approved the payment of 100% of admissible expenses and 100% of the therapy costs. The Administration noted that the Applicant had provided an agreement between the School and the therapist.

10. On 8 August 2016, the Applicant submitted, again through the "Education Grant Tool", his claim for education grant and special education grant for the academic year 2015-2016. He attached supporting documentation, including the certificate of attendance and costs signed by the School, a medical certificate attesting that his child requires specific training to assist him to overcome his learning disability and invoices issued separately by the speech and language therapist.

11. After review of the documents provided, the Applicant was paid CHF26.921,81 for the education grant of his child's school year 2015-2016. This amount represents 75% of the admissible expenses, plus 100% of the expenses for the speech therapist. In computing the Applicant's education grant, the maximum amount for disabled children was taken into account.

18. Section 14.1 of ST/AI/2011/4 on the relationship between the education grant and the special education grant provides that (emphasis added):

When a child with a disability is unable to attend a regular educational institution or *attends on a full time basis a regular educational institution that provides the necessary special arrangements for the child*, admissible educational expenses shall be reimbursed against the special education grant, regardless of whether the staff member would otherwise be entitled to a regular education grant in respect of the child.

19. In turn, sec. 14.2 provides in its relevant part that (emphasis added):

When a child with a disability is in full-time attendance *at a regular educational institution and no special arrangements are made at that institution* for the child concerned, reimbursement shall be subject to the following conditions:

(a) If the staff member is entitled to the regular education grant with respect to the child, admissible expenses incurred at the educational institution shall be reimbursed against the normal education grant entitlement at the 75 per cent rate. Additional admissible educational expenses incurred for special teaching and training outside the educational institution shall be reimbursed against the special education grant at the 100 per cent rate. The combined total of the two types of grant shall not exceed the amount specified in column 1 of the annex[.]

20. It follows from the above provisions that the distinction between reimbursement of 100 per cent of admissible educational expenses for a child with a disability who attends a regular education institution depends on whether the necessary special arrangements are provided by the educational institution or not. If the institution does not provide such arrangements, the special teaching expenses are reimbursed at 100% but the educational expenses are reimbursed at the regular rate of 75%.

21. The Tribunal is of the view that sec. 14.1 has to be read in conjunction with sec. 14.2. ~~108004736Tj 1359908835384TmT6Q 1 0 0 .69799805Tj ()Tj -270.8~~

entitled to the special education grant when the regular institution that the child attends provides him or her with a special educational programme so as to allow him or her not only to attend that school but also to maximize his or her functional abilities. ()nal

expenses and also 100% of the cost of speech therapy for 2014-2015 does not give him a right to continue to receive the same for 2015-2016, if upon examination of the case, he does not meet the eligibility requirement under sec. 14.1 of ST/AI/2011/4.

Conclusion

28. In view of the foregoing, the Tribunal DECIDES that the application is dismissed.

(Signed)

Judge Teresa Bravo

Dated this 19th day of November 2018

Entered in the Register on this 19th day of November 2018

(Signed)

René M. Vargas M., Registrar, Geneva