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**UNITED NATIONS APPEALS TRIBUNAL  
TRIBUNAL D'APPEL DES NATIONS UNIES**

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Judgment No. 2022-UNAT-1221

**Peter Deupmann**  
**(Respondent/Applicant and Appellant on Cross-Appeal)**

**v.**

**Secretary-General of the United Nations**  
**(Appellant/Respondent and Respondent**  
**on Cross-Appeal)**

**JUDGMENT**

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Before:	Judge Graeme Colgan, Presiding Judge John Raymond Murphy Judge Sabine Knierim
Case No.:	2021-1525
Date:	18 March 2022
Registrar:	Weicheng Lin

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Counsel for Peter Deupmann: Julia Kyung Min Lee, OSLA

Counsel for Secretary-General: André Luiz Pereira de Oliveira





staff member's argument that such fees should be reimbursed because other United Nations agencies interpret and apply the rules in a way that would allow for such fees to be reimbursed. The tribunal held that there was no requirement to harmonise the application of these rules among different United Nations entities. The organisation engaging the staff member was said by the UNDT to be under no obligation to follow other entities' interpretations and applications of the same rules.

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12. Citing [redacted],<sup>2</sup> the Secretary-General notes:

The first step of the interpretation of any kind of rules, worldwide, consists of paying attention to the literal terms of the norm. When the language used in the respective disposition is plain, common and causes no comprehension problems, the text of the rule must be interpreted upon its own reading, without further investigation. (...) If the text is not specifically inconsistent with other rules set out in the same context or higher norms in hierarchy, it must be respected, whatever technical opinion the interpreter may have to the contrary, or else the interpreter would become the author.

13. Additionally, citing [redacted],<sup>3</sup> the Secretary-General explains that “neither the UNDT nor the Appeals Tribunal has the authority to amend any regulation or rule of the Organisation which it finds restrictive, though it may comment on it”.

14. As such, it is the Secretary-General’s contention that under the applicable law, namely Sections 3.1 and 3.2 of ST/AI/2018/1/Rev.1, “educational expenses that are not listed in section 3.1 (...) shall be deemed non-admissible”. The Secretary-General argues that Technology Fees

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THE UNITED NATIONS APPEALS TRIBUNAL

Judgment No. 2022-







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Secretary-General decided to narrow the list of admissible expenses in accordance with General Assembly resolution 70/244. Under the new framework, only mandatory enrolment-related and tuition fees are included; expenses are not. The disputed fees do not fit under either the tuition category or the mandatory enrolment-related fees category.

40. Regarding the Supplies Fees, the Secretary-General submits the staff member's claims are incorrect since they rely on the previous ST/AI/2011/4, which did in fact reimburse the expenses that are currently in dispute. Accordingly, the Secretary-General argues it was fair and reasonable for the Administration to conclude that the expenses covered by the Supplies Fees under the new framework, namely costs related to agenda, school supplies, stationery, workbooks and a yearbook were supplementary and did not fit in the category of tuition within the meaning of ST/AI/2018/1/Rev.1.

41. As to the staff member's reliance on the Umoja Job Aid document, the Secretary-General notes that as a manual, such document does not contain binding provisions. However, even if such document carries the force of law, the UNDT was correct to conclude that in that same document, supplies, stationery, books and textbooks are considered inadmissible expenses.

42. In addition, the Secretary-General notes that it is wrong to assume that "library fees" would also cover textbooks. Library fees generally constitute an integral part of the resources needed for teaching and learning and that is why they are considered part of tuition.

43. Regarding the Extra-Curricular Fees, the Secretary-General argues such fees are intended to cover costs related to special events, trips, enhanced music, robotics, virtual arts, theatre and athletics.

### **Considerations**

45. The case at first instance involved deciding whether particular education-related expenses were reimbursable following changes that the General Assembly made to the reimbursement regime with effect from the school year in which 1 January 2018 fell. The Staff Regulations and Rules amended following those changes by the General Assembly dictate whether particular expenses claimed by Mr. Deupmann are reimbursable or not. The report of the ICSC, which investigated this reimbursement regime for a number of international organisations can assist in interpreting what the General Assembly decided. However, as an advisory document from an independent body, it cannot itself

assessment or examination fees”. These are required to be paid for the enrolment of a child in an educational institution.

49. Importantly for this case, admissible expenses also include “[t]uition for full-time attendance that is paid directly to the educational institution and certified by the educational institution as being necessary for attendance”. The other categories of admissible fees are irrelevant for this case. As already noted, Section 3.2 of ST/AI/2018/1/Rev.1 says: “All other educational expenses that are not listed in section 3.1 shall be deemed non-admissible.”

50. So, the three categories of expenses at issue in this appeal must be assessed. First as to whether they are expenses for tuition (for full-time attendance); second, whether they are paid directly to the school; and third, whether they are certified by the school as being necessary for attendance. It is really only the first of these that is in contention: whether the particular expenses are for “tuition”. That word must be defined in its context, that is in the context of a modern world, with partially private and partially government-funded elementary school education in which teaching and learning are undertaken by a variety of media and according to a curriculum that is in some respects prescribed by the Quebec Provincial Government. What are the admissible expenses charged to the parent(s) of a child for tuition in this context?

51. Before assessing that question in respect of the three categories of expense at issue, there are two preliminary arguments that we should determine. These are two universal grounds of appeal advanced by Mr. Deupmann, which we flintarwe



Administration when it will be relatively easy to identify admissible tuition expenses and reimburse them accordingly.

56. It is necessary, therefore, to start with the relevant words of the instrument in their context. Between paragraphs 31 and 32 of the instrument, the Tribunal finds that the relevant words are "the relevant words of the instrument in their context".

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accordingly, in other cases, the interpreter of them must have recourse to a wider array of tools to discern and apply the intended meaning.

64. The Secretary-General says that unless the expenses for which reimbursement is claimed appear in the relevant provision (Section 3.1 of ST/AI/2018/1/Rev.1), they are non-admissible, that is by their exclusion, they do not qualify for reimbursement.<sup>10</sup> That is, however, too unsophisticated an analysis. Admissibility turns, among other things, but principally in this case, on whether the fee paid is for “tuition”. The all-in/all-out approach to the interpretation of these directions begs the question: what is tuition?

65. Similarly, the Secretary-General says the UNDT erred in deciding that the Technology Fees did not include the prov5-3 (t ae)-4.3 ( U)1 (N)0 -1B4 (r)-0.85(v)-e1t unssow 0.372m3 ( uns) (s)3 (v6

THE UNITED NATIONS APPALS

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**Judgment**

81. The Secretary-General's appeal is dismissed. Mr. Deupmann's cross-appeal is allowed in part and dismissed in part