

UNDT/2010/010, Andati-Amwayi

UNAT Held or UNDT Pronouncements

Citing the Teferra judgment, the Tribunal examined whether the application contained an administrative decision falling under the purview of Article 2 of the UNDT Statute and Staff Rule 11.4 (a). The Tribunal found that there was nothing on the record to show that the administration gave specific instructions to the hospitals in Kenya not to provide medical services to the Applicant. The Tribunal found that the Applicant was not able to receive medical services on an occasion due to his lack of diligence in obtaining a MIP card for himself and his family members, despite the numerous attempts of the Joint Medical Service (JMS), the administering office, to contact him. The Applicant systematically excused himself, however he managed to make arrangements to obtain several letters of guarantee in order to receive medical services on credit. In the light of the above, the Tribunal decided that there was no administrative decision for which it would have jurisdiction to entertain this application. As a general observation, the Tribunal noted that the provisions of ST/AI/343 on the Rules Governing the MIP state that the MIP membership is predicated upon a valid contract and the issuance of a card. The MIP enables participating staff members, upon showing the MIP card, to pay medical service providers and then claim reimbursement through the Joint Medical Service (JMS) that administers the MIP. The Applicant was therefore, as per the applicable rules, under the obligation to obtain his MIP card from the relevant administration in order to obtain medical services from accredited hospitals in Nairobi under the MIP.

Decision Contested or Judgment/Order Appealed

The Applicant, a staff member of UN-HABITAT, entered an application to contest “UNON’s instructions to hospitals in Kenya not to provide medical services to any staff member who produced an expired Medical Insurance Plan (MIP) Card and Grounds Pass”.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Outcome Extra Text

The Applicant was ordered to pay USD 100 for abuse of the process.

Full judgment

[Full judgment](#)

Applicants/Appellants

Andati-Amwayi

Entity

UNON

Case Number(s)

UNDT/NBI/2009/13

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

25 Jan 2010

Duty Judge

Judge Boolell

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Abuse of process before UNDT/UNAT

Costs

Jurisdiction / receivability (UNDT or first instance)

Subject matter (ratione materiae)

Applicable Law

Administrative Instructions

- ST/AI/343

Staff Rules

UNDT Statute

- Article 2

Related Judgments and Orders

UNDT/2009/090