

# UNDT/2019/116, Yohannes

## UNAT Held or UNDT Pronouncements

The impugned decision is not a mere reiteration of a prior decision as in response to the Applicant's request for reconsideration, the Applicant's case was resubmitted to the Committee. Thus, the Committee's decision notified to the Applicant subsequently is subject to this Tribunal's review. The Health and Life Insurance Section's advice or failure to give proper advice is not an administrative decision subject to judicial review. Under the applicable procedures related to exceptional reimbursements, it provides that claims for services and treatments not covered under the insurance programme are not covered under this process. The Health and Life Insurance Committee accordingly denied the Applicant's request on the ground that the requested medical procedure is not covered under the plan provided by Aetna. The decision to deny the Applicant's request for exceptional reimbursement was made in accordance with the established procedures and there are no grounds to set it aside.

## Decision Contested or Judgment/Order Appealed

The decision by the Health and Life Insurance Committee to deny the Applicant's request for exceptional reimbursement of costs incurred in connection with treatment provided to her dependent child The Health and Life Insurance Section's failure to give the Applicant proper advice relating to her child's medical needs and health insurance coverage.

## Legal Principle(s)

The reiteration of an original administrative decision, if repeatedly questioned by a staff member, does not reset the clock with respect to statutory timelines. However, an unambiguous re-examination by the Administration of an earlier decision would give rise to a new and separate administrative decision. Staff rule 6.6 provides that

staff members may be required to participate in a United Nations medical insurance scheme under conditions established by the Secretary-General.

## Outcome

Dismissed on merits

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Yohannes

## Entity

UNFPA

## Case Number(s)

UNDT/NY/2018/086

## Tribunal

UNDT

## Registry

New York

## Date of Judgement

24 Jun 2019

## Duty Judge

Judge Meeran

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

TEST -Rename- Benefits and entitlements-45  
Health (medical) and/or dental insurance

## Applicable Law

Staff Rules

- Rule 6.6

UNDT Statute

- Article 2.1

## Related Judgments and Orders

2015-UNAT-546

2015-UNAT-516

2016-UNAT-690