
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2017/112

Judgment No.: UNDT/2018/088

Date: 7 September 2018

Original: English

Before: Judge Alessandra Greceanu

Registry: New York

Registrar: Nerea Suero Fontecha 1 0 0 1 503.86 68q153.38 589.66 396.07 27 reW*
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which usually takes “2-3 weeks”. Meanwhile, HLIS had requested the insurance carrier to send new cards to the Applicant’s New York address. Again, the Applicant was advised to update her mailing address in Umoja, which at the time showed an address in Boston.

5. The Applicant sent several follow-up emails to HLIS stating that she was yet to receive the cards. On 5 December 2016, HLIS reminded the Applicant that the HLIS does not issue the insurance cards and that the insurance carrier was had been requested to reissue the Applicant’s insurance cards and mail them to her New York address. On that same day, the insurance carrier informed HLIS that the Applicant’s Boston address still showed in the system as her mailing address.

6. Later on 5 December 2016, the Applicant emailed HLIS to inform them that she would keep her Boston address as mailing address but that this address should not be used for insurance purposes. HLIS explained that the mailing address in Umoja is the address for insurance purposes. The Applicant was advised to contact the insurance carrier directly to obtain her temporary cards. HLIS clarified that the insurance carrier could not be reached by email and could only be contacted by telephone or through its online portal. The Applicant was provided with the insurance carrier’s contact information.

7. On 9 December 2016, the Applicant emailed HLIS stating that she was having trouble logging into the insurance carrier online portal. On 19 December, the HLIS provided the Applicant with the insurance carrier’s telephone number and the Applicant’s insurance identification card and group number.

8. On 19 December 2016, the Applicant attempted to contact the insurance carrier by email, obtaining no response. She informed HLIS accordingly. The Insurance Unit responded on the same day restating the advice previously provided.

9. On 19 December 2016, the Applicant wrote to HLIS stating that she was unable to contact the insurance carrier to obtain her cards. She then requested that her

17. On 1 July 2017, the Applicant separated from service upon expiry of her temporary appointment. Her medical insurance terminated as a result of this separation.

18. The Applicant's principal contentions may be summarized as follows:

a. For six months, the Applicant contacted regularly to report that she had not received her insurance identification cards and claimed to be unable to prove her insurance coverage to health providers;

b. The Applicant provided both HLIS and the insurance carrier with her address in New York where the cards should have been delivered. Both HLIS and the insurance carrier failed in ensuring that the cards be sent to the appropriate address;

c. The insurance coverage and the fees paid by the Applicant for are without any justification and she should be entitled to request cancellation of a service that was not provided and thus, reimbursement of fees;

d. Since cancellation and reimbursement [can only be granted] during the [annual campaign], following HLIS advice, on 31 May 2017, the Applicant requested the cancelation and reimbursement of insurance fees paid since 1 July 2016. This request was denied by HLIS.

19. The Respondent's principal contentions may be summarized as follows:

a. The Applicant enrolled in the health insurance programme effective 1 July 2016;

b. Termination of health insurance is only possible during the annual campaign, as set out in sec. 17 of ST/IC/2017/18. There is no provision in

ST/IC/2017/18 for retroactive termination of coverage, or the refund of premiums already paid;

c. It is the responsibility of staff members to be acquainted with relevant administrative issuances, and to know and understand their provisions and implications;

d. The fact that the Applicant had difficulties in obtaining her insurance identification cards does not provide a basis for HLIS to retroactively cancel her insurance and refund her premiums.

Considerations

Applicable law

20. Staff rule 6.6 on medical insurance states as follows:

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

21. ST/IC/2016/13 (Renewal of the United Nations Headquarters-administered health insurance programme), effective as of 1 July 2016, provided, in relevant part, that:

Annual campaign

16. A staff member enrolled in the Cigna US Dental plan must continue such coverage for at least 12 months before elections for discontinuation of coverage during the annual campaign will be accepted.

17. Aetna, Empire Blue Cross and UN Worldwide Plan insurance coverage must also be maintained for at least 12 months before elections for discontinuation of coverage during the annual campaign

18. Individuals enrolled in the United Nations Headquarters-administered after-service health insurance are allowed to make a change between either United States-based plan once every two years only, in accordance with section 8.2 of administrative instruction ST/AI/2007/3 on after-service health insurance.

19. The effective date of insurance coverage for all campaign applications, whether for enrolment, change of plan or change of family coverage, is 1 July 2016.

Eligibility and enrolment rules and procedures

24. All staff members holding appointments of three months or longer may enrol themselves and eligible family members in the United Nations insurance programme. In addition, staff members holding temporary appointments with one or more extensions that, when taken cumulatively, will amount to three months or more of continuous service can enrol themselves and eligible family members from the beginning of the contract that will meet the three-month minimum threshold.

Enrolment between annual campaigns

35. Between annual campaigns, staff members and their eligible family members may be allowed to enrol in the Headquarters-

