



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2023/001

Order No.: 047 (NY/2023)

Date: 23 June 2023

Original: English

Before: Judge Joelle Adda

Registry: New York

Registrar: Isaac Endeley

RODRIGUEZ SANTORUM

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Adrien Meubus, LPAS/UNOG

Introduction

1. On 4 January 2023, the Applicant, who submits he is a staff member of the International Organization for Migration (“IOM”), filed an application contesting the rejections of his requests for after-service health insurance (“ASHI”) by (a) IOM and (b) the Health and Life Insurance Section (“HLIS”) in the United Nations Secretariat.

2. By Judgment No. UNDT/2023/064 dated 23 June 2023, the Tribunal held that the appeal against the decision of IOM was not receivable, whereas the appeal against the decision of the HLIS was receivable.

Further case management

3. The Tribunal notes that the issue of after-service health insurance is governed by ST/AI/2007/3 (After-service health insurance) and ST/IC/2022/9 (Renewal of the United Nations Headquarters-administered health insurance programme, effective 1 July 2022).

4. The Applicant, *inter alia*, submits that his current service with IOM should be counted towards his eligibility for After-service health insurance (“ASHI”) as “the agency is a full member and part of the [United Nations] System”. The Respondent does not object thereto. It follows, however, from the contested decision that HLIS in its 8 September 2022 email found that the Applicant’s previous employment with IOM from 9 March 2013 to 30 April 2015 was relevant to be counted towards ASHI eligibility under ST/AI/2007/3.

5. The Tribunal, nevertheless, has no information and/or documentation on the status of IOM under ST/AI/2007/3. The Respondent is therefore ordered to provide information and/or documentation on the status of IOM under ST/AI/2007/3, and the Applicant will be allowed to comment thereon in his closing statement.

6. In addition, the Applicant states in the application that he is currently working for IOM and that he intends to do so until his retirement in 2025. Attached to the application is, however, only a one-year fixed-term contract from 21 October 2021 to 20 October 2022. The Applicant is therefore ordered to file his most recent fixed-term contract with IOM, and if not lasting until 2025, provide his submissions on why he assumes that he will be employed by IOM until 2025.

7. Finally, the Respondent contends that the Applicant's request for ASHI is not timely under art. 1.2 of ST/AI/2007/3, which, in relevant part, provides that ASHI "is available only as a continuation, without interruption between active service and retirement status, of previous active-service coverage in a contributory health insurance plan of the United Nations". In this regard, it is further stipulated in ST/IC/2022/9 that "the applicant must be enrolled in a United Nations scheme at the time of separation from service", that "[e]nrolment in the after-service health insurance programme is not automatic", and that "[a]pplication for enrolment must be made within 31 days before or 31 days after the date of separation".

8. The Applicant is therefore instructed to provide his submissions thereon after which the Respondent will have the opportunity to respond thereto, and the Applicant will subsequently be granted the possibility of filing his final comments. Unless otherwise ordered, the Tribunal will then issue a judgment on all matters before it.

IT IS ORDERED THAT:

9. By **4:00 p.m. on Friday, 14 July 2023**, the Applicant is to file (a) his most recent contract of employment with IOM, and if not lasting until 2025, provide his submissions on why he expects to remain in service with IOM until 2025, and (b) his contentions on the timeliness of the application for ASHI as per ST/AI/2007/3 and ST/IC/2022/9;

10. By **4:00 p.m. on Friday, 4 August 2023**, the Respondent is to file his closing statement summarizing all his contentions, which is to be five pages maximum, using

Times New Roman, font 12 and 1.5 line spacing. The closing statement shall include the Respondent's submissions on whether the Applicant's current employment counts towards eligibility for ASHI under ST/AI/2007/3 together with relevant documentation, such as any special agreements between the United Nations Secretariat and IOM regarding ASHI;

11. By **4:00 p.m. on Friday, 11 August 2023**, the Applicant is to file his closing statement summarizing all his contentions, which is to be five pages maximum, using Times New Roman, font 12 and 1.5 line spacing. Aside from submissions with regard to the Respondent's 4 August 2023 filing(s), the closing statement must otherwise solely be based on previously filed submissions and evidence and no new evidence is allowed at this stage.

12. Unless otherwise ordered, on receipt of the latest of the aforementioned statements or at the expiration of the provided time limits, the Tribunal will adjudicate on the matter and deliver judgment based on the papers filed on record.

(Signed)

Judge Joelle Adda

Dated this 23rd day of June 2023

Entered in the Register on this 23rd day of June 2023

(Signed)

Isaac Endeley, Registrar, New York