

ORDER OF THE COURT OF FIRST INSTANCE  
(Fourth Chamber) 9 September 2008

Case T-143/08

**Luigi Marcuccio**  
**v**  
**Commission of the European Communities**

(Civil service — Social security — Refusal of the application for reimbursement  
of 100% of certain medical expenses incurred by the applicant)

Full text in the language of the case (Italian) . . . . . II-A-2 - 321

**Application:** for, in particular, annulment of the decisions of the office responsible for settling claims of the Joint Sickness Insurance Scheme of the European Communities refusing to pay 100% of certain medical expenses incurred by the applicant or to reimburse the expenses for a medical visit in accordance with the rules applicable to consultations of medical experts, and an application that the Commission be ordered to pay certain medical expenses for the applicant.

**Held:** The action is dismissed as inadmissible. The parties are to bear their own costs.

### Summary

*Officials — Social security — Sickness insurance — Medical expenses — Serious illness — Reimbursement at 100% — Conditions  
(Staff Regulations, Art. 72(1); Rules on Sickness Insurance, Art. 28 and Annex I, Section IV)*

The reimbursement of medical expenses at 100% under Article 72(1) of the Staff Regulations presupposes that the illness concerned is regarded as one of the illnesses expressly referred to in that provision, or that the appointing authority recognises the illness as being of a comparable seriousness to the illnesses referred to in that provision. To that end, it is manifestly for the official concerned to state which is the illness in question and to produce supporting documents. Under Article 28 of the Rules on Sickness Insurance for Officials of the European Communities applications for reimbursement of expenses must be accompanied by original supporting documents, and according to Section IV of Annex I to those Rules applications to have an illness recognised as of a comparable seriousness to the four illnesses referred to in Article 72(1) of the Staff Regulations must be accompanied by a report from the doctor treating the official concerned.

Where an application does not contain any new factor justifying the reimbursement at 100% of the medical expenses incurred by the official in question, the administration's silence following that application does not in any way alter his legal situation resulting from the implied decision rejecting an earlier application in which he made that claim known to the administration, and therefore does not constitute an act adversely affecting him within the meaning of Articles 90 and 91 of the Staff Regulations.

(see paras 37, 39, 41)