

Judgment of the Civil Service Tribunal (3rd Chamber) of 1 December 2010 — Gagalis v Council

(Case F-89/09) ⁽¹⁾

(Civil service — Social security — Occupational accident — Partial permanent invalidity — Decision to take responsibility for 75 % of the costs of a thermal cure — Reimbursement for care under Article 72 of the Staff Regulations and additional reimbursement under Article 73 of the Staff Regulations — Exclusion of cover for subsistence expenses — Refusal of additional reimbursement — Interpretation of Article 73(3) of the Staff Regulations and of Article 9 of the Common rules on the insurance of officials against the risk of accident and occupational disease)

(2011/C 30/119)

Language of the case: French

Parties

Applicant: Spyridon Gagalis (Kraainem, Belgium) (represented by: N. Lhoëst, lawyer, then by N. Lhoëst and L. Delhayé, lawyers)

Defendant: Council of the European Union (represented by: M. Bauer and K. Zieleńkiewicz, Agents)

Re:

Action for annulment of the defendant's decision refusing to reimburse the applicant, pursuant to Article 73 of the Staff Regulations, 75 % of all the costs relating to a thermal cure.

Operative part of the judgment

The Tribunal:

1. Dismisses the action;
2. Orders Mr Gagalis to pay all the costs.

⁽¹⁾ OJ C 312, 19.12.2009, p. 45.

Judgment of the Civil Service Tribunal (First Chamber) of 30 November 2010 — Taillard v Parliament

(Case F-97/09) ⁽¹⁾

(Civil service — Official — Successive sick leave — Arbitration — Finding that the applicant was able to work — Refusal of new duly issued medical certificate — No medical examination — Sick leave deducted from annual leave — Inadmissibility — Action for annulment and damages)

(2011/C 30/120)

Language of the case: French

Parties

Applicant: Christine Taillard (Thionville, France) (represented by: N. Cambonie and C. Lelièvre, lawyers)

Defendant: European Parliament (represented by: K. Zejdová and S. Seyr, Agents)

Re:

First, an action for annulment of the decision by which the European Parliament declares a medical certificate attesting to the applicant's incapacity to work inadmissible and the resultant decision to withdraw annual leave. Second, a claim for compensation for the damage suffered by the applicant

Operative part of the judgment

The Tribunal:

1. Annuls the Decision of the European Parliament of 15 January 2009, by which the Parliament refused to accept the medical certificate of 5 January 2009 and the resultant decision to deduct Ms Taillard's absence of 6 to 9 January 2009 from her annual leave;
2. Dismisses the remainder of the action;
3. Orders the Parliament to bear its own costs and pay those incurred by Ms Taillard.

⁽¹⁾ OJ C 24, 30.1.2010, p. 81.

Judgment of the Civil Service Tribunal (Single Judge) of 14 December 2010 — Marcuccio v Commission

(Case F-1/10) ⁽¹⁾

(Civil service — Officials — Social security — Sickness insurance — Applications for reimbursement of medical expenses — No act adversely affecting an official — Inadmissibility — No proper statement of reasons)

(2011/C 30/121)

Language of the case: Italian

Parties

Applicant: Luigi Marcuccio (Tricase, Italy) (represented by: G. Cipressa, lawyer)

Defendant: European Commission (represented by: J. Currall and C. Berardis-Kayser, agents, and A. Dal Ferro, lawyer)

Re:

Application for annulment of the decision refusing 100 % reimbursement of the applicant's medical expenses.