

Decision of the European Ombudsman on complaint 902/2002/ME against the European Commission

Decision

Case 902/2002/ME - Opened on 21/05/2002 - Decision on 12/11/2002

Strasbourg, 12 November 2002

Dear Mrs F.,

On 8 May 2002, you made a complaint to the European Ombudsman concerning the costs incurred on the death of your son who was a Commission official.

On 21 May 2002, I forwarded the complaint to the President of the European Commission. The Commission sent its opinion on 11 September 2002. I forwarded it to you with an invitation to make observations, which you sent on 7 October 2002.

I am writing now to let you know the results of the inquiries that have been made.

THE COMPLAINT

The complainant lodged a complaint with the European Ombudsman in May 2002. The complainant's son had been a Commission official and had died suddenly in November 2001. At the time the complaint was lodged, the complainant had still not received full payment for the costs incurred on her son's death.

The costs for the transportation of the body to Finland had at first only been partly paid. They had since been fully paid, but only after the complainant had contacted the Commission on several occasions.

As regards the costs for the funeral, she had still not received payment. She stated that the Commission had informed her that it would reimburse up to 94 000 BEF. The complainant had sent an invoice of ₣ 2833,13 to the Commission at the end of 2001. When the complainant called the Commission at the beginning of 2002, it informed her that it would pay only ₣ 218 and stated that the reason therefore was unpaid medical bills. The complainant however considered that any outstanding debts should be charged from the estate of the deceased and not from her. The responsible official promised to call her back in the afternoon but he never did.



In summary, the complainant alleged that six months after her son passed away, the Commission had still not paid her the costs for the funeral, amounting to ₣ 2833,13.

THE INQUIRY

The Commission's opinion

In its opinion, the Commission put forward the following.

When an official dies, in the majority of cases, the funeral costs are paid to the official's bank account, to which his or her heirs have access. Reimbursement can also be made to any other person who proves that he or she has borne the funeral expenses. For such direct payment, it is required that the person shows that the expenses were covered from the same bank account as the one indicated in the reimbursement request.

In the present case, as the medical officer had to examine whether the medical costs incurred could be reimbursed in full or not under the Staff Regulations, a certain delay arose. In April 2002, once the amount to be paid was fixed, a problem arose since the reimbursement request indicated a bank account that was different from the one used to cover the expenses. On 7 June 2002, the Commission received confirmation that both bank accounts belonged to the complainant. The payment order was launched on the same day.

As regards the costs for the funeral, those costs are limited to an amount of ₣ 2 330.20. From this amount, the advance payment of ₣ 1 419.62 already made to the complainant was to be deducted. The amount to be reimbursed was thus ₣ 910.58. However, according to Article 72(3) of the Staff Regulations, exceptional payments can be granted if the total medical bill, over a certain period of time, exceeds a certain percentage of the official's salary. Applied to the present case, another ₣ 1 088.82 were to be paid to the complainant. An amount of ₣ 1 999.40 was therefore paid to the complainant on 13 June 2002.

As regards the transportation costs, the Commission had reviewed the file and decided to fully reimburse some elements of the bill. As a result, an additional payment of ₣ 509.74 was made to the complainant on 14 June 2002.

The complainant's observations

In her observations, the complainant pointed out that only on 7 June 2002 had she been informed that the Commission needed a confirmation from her bank that both bank accounts belonged to her. The confirmation had been faxed by the bank on that same day. Furthermore, the original bill for the funeral costs was lost by the Commission. The complainant however underlined that it was soon one year since her son passed away and she wanted to put it all behind her and did not wish to make any new allegations. She thus stressed that the matter was closed as far as she was concerned and she thanked the Ombudsman for his help in the matter.

THE DECISION

1 Reimbursement of costs due to the complainant



1.1 The complainant's son had been a Commission official and had died suddenly in November 2001. The complainant alleged that six months after her son passed away, the Commission had still not paid her the costs for the funeral, amounting to ₣ 2833,13.

1.2 The Commission explained the delays that had occurred and informed the Ombudsman that it had issued payment to the complainant of ₣ 1 999.40 on 13 June 2002 and a further payment of ₣ 509.74 on 14 June 2002.

1.3 The Ombudsman notes that the Commission has issued two payments to the complainant. Furthermore, the complainant has expressed that she considers the matter to be closed and has thanked the Ombudsman for his help. The case therefore appears to be settled.

2 Conclusion

It appears from the Commission's comments and the complainant's observations that the Commission has taken steps to settle the matter and has thereby satisfied the complainant. The Ombudsman therefore closes the case.

The President of the Commission will also be informed of this decision.

Yours sincerely,

Jacob SÖDERMAN