



## Gatica, María Emilia v. Instituto Nacional de Servicios Sociales para Jubilados y Pensionados [PAMI]

G. 588. XLVI.

**Country:** Argentina

**Region:** Americas

**Year:** 2012

**Court:** Supreme Court of Justice [Corte Suprema de Justicia de la Nación Argentina]

**Health Topics:** Aging, Disabilities, Health care and health services, Health systems and financing, Hospitals, Medicines, Poverty

**Human Rights:** Right to health, Right to life

### Facts

The plaintiff filed a guarantee of protection of individual constitutional rights (amparo protection) against the National Institute of Social Services for Retiree [Instituto Nacional de Servicios Sociales para Jubilados y Pensionados - PAMI] in the First Instance Court which admitted the suit and ordered the respondent to pay monthly for the coverage of an domiciliary worker for 12 hours a day from Monday to Friday to help her with her disability.

The respondent appealed with Federal Courts of Appeal [Cámara Federal de Apelaciones de Rosario] which revoked the judgement because the plaintiff did not show a low income or social vulnerability or that her sons weren't able to cover the care for her disability. The plaintiff filed an extraordinary appeal to the Supreme Court of Justice.

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### Decision and Reasoning

The Supreme Curt of Justice found that given the conditions of the plaintiff they should immediately cover her health services. The Supreme Court of Justice admitted the extraordinary appeal, revoked the Federal Courts of Appeal judgement and order the respondent to immediately cover the health services of the plaintiff.

### Decision Excerpts