

# 2023-UNAT-1385, Gheorge Catalin Radu

## UNAT Held or UNDT Pronouncements

The UNAT dismissed the appeal, without prejudice.

The UNAT noted that Mr. Radu's appeal concerned the administrative decision of 8 November 2021 in respect of his separation from service during certified sick leave.

The UNAT further noted that a separate appeal by Mr. Radu, first before the Appeals Board and now before the UNAT, concerned that same administrative decision of 8 November 2021 on its merits, i.e. the disciplinary measure of separation from service for the alleged misconduct (UNAT Case No. 2023-1804).

The UNAT found that the impugned Appeals Board Decision in this case was not a final judgment, in that it merely addressed one element of the administrative decision, which was to dismiss Mr. Radu for misconduct while on sick leave.

The UNAT decided that rather than address Mr. Radu's claims concerning the 8 November 2021 decision in a piecemeal fashion, it would consider all of his claims in the same judgment in the Appeals Tribunal's Spring Session in 2024.

## Decision Contested or Judgment/Order Appealed

Before the ICAO Appeals Board, Mr. Radu, a former D-1 staff member with ICAO, contested the administrative decision to separate him from service while on certified sick leave, primarily on the ground that ICAO Staff Rule 110.1(11) provides for consultation with the Medical Clinic as a mandatory step to be taken by the Secretary General before undertaking the disciplinary process when a staff member is on sick leave and that as the mandatory step was not taken, the decision to discharge Mr. Radu was void *ab initio*.

By Decision No. ICAO/2022/006 dated 20 September 2022, the Appeals Board dismissed his appeal in its entirety.

## Legal Principle(s)

Except for clearly defined exceptions established by the UNAT's jurisprudence, it is only the final judgment which is appealable to the Appeals Tribunal.

It is not in the interest of justice for the Appeals Tribunal to issue separate judgments on different claims which relate to the same administrative decision. Such an approach would encourage a multiplicity of appeals on different aspects of one decision.

## Outcome

Appeal dismissed on receivability

Outcome Extra Text

The UNAT dismissed Mr. Radu's appeal in Case No. 2022-1768, without prejudice. The UNAT noted that in accordance with Order No. 538 (2023) dated 27 November 2023, both parties would have the opportunity to amend their respective briefs in UNAT Case No. 2023-1804, to include the grounds of appeal raised in this matter, within the time limits set out in said Order.

Full judgment

[Full judgment](#)

Applicants/Appellants

Gheorge Catalin Radu

Entity

ICAO

Case Number(s)

2022-1768

Tribunal

UNAT

Registry

New York

Date of Judgement

21 Nov 2023

President Judge

Judge Colgan

Judge Gao

Judge Savage

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Procedure (first instance and UNAT)

Case management

Applicable Law

ICAO Staff Rules