

UNDT/2025/029, Christian Castelli

UNAT Held or UNDT Pronouncements

Regarding claim 1, the Tribunal held that based on the evidence on record, the Applicant did not provide any evidence that could prove any form of misconduct against the OIOS or UNIFIL officials who handled his complaint. Accordingly, claim 1 was rejected.

For claim 2, the Tribunal noted that, upon his request, via emails dated 22 August 2024 and 31 October 2024, the OIOS provided the Applicant with an explanation for the closure of his Complaint without investigation. Therefore, claim 2 was found to be moot.

Claim 3 was found not receivable. The Tribunal held that the outcome of a management evaluation request was not an administrative decision under art. 2(1)(a) of its Statute. Accordingly, the Tribunal found that it lacked jurisdiction to adjudicate this claim.

In light of the foregoing, the application was rejected in its entirety.

Decision Contested or Judgment/Order Appealed

The Applicant filed three claims:

- a. (a) Failure by the Office of Internal Oversight Services (“OIOS”) and the United Nations Interim Force in Lebanon (“UNIFIL”), Chief, Conduct and Discipline Office to properly review his complaint against his First Reporting Officer for unreasonable refusal of a requested flexible working arrangement(“FWA”) (claim 1);
- b. (b) Refusal by OIOS to give him specific reasons for the closure of his complaint without investigation (claim 2); and

c. (c) The decision of the Management Advice and Evaluation Section on his management evaluation request for the foregoing decisions (claim 3).

Legal Principle(s)

Both a failure by OIOS to properly review a staff member's complaint of unreasonable refusal of FWA, and a refusal by OIOS to provide a staff member specific reasons for closing his complaint without investigation have an effect on a staff member's work relationship, given that such decisions could have negatively affected a staff member's contractual employment rights.

It remains very difficult to see an abuse of discretion in the denial/delay of FWA without providing a basis, where no right to FWA is envisaged.

The lack of a staff member's right to Flexible Work Arrangements (FWA) excludes any abuse in the manager's failure to give or to promptly give a reasoning for the refusal of its concession.

Outcome

Dismissed as not receivable

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Christian Castelli

Entity

UNFIL

Case Number(s)

UNDT/NBI/2025/007

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

30 May 2025

Duty Judge

Buffa

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Administrative decision

Reasons

Applicable Law

Administrative Instructions

- ST/AI/2017/1

Secretary-General's bulletins

- ST/SGB/2019/8

UNDT Statute

- Article 8.1(a)

UNAT Statute

- Article 2.1(a)

Related Judgments and Orders

UNDT/2024/073

UNDT/2024/077

2011-UNAT-109

2023-UNAT-1373

2022-UNAT-1309

2023-UNAT-1313

2023-UNAT-1342