



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Judgment No. 2025-UNAT-1604

Christian Castelli
(Appellant)

v.

Secretary-General of the United Nations
(Respondent)

JUDGMENT

Before:	Judge Leslie F. Forbang, Presiding Judge Nassib G. Ziadé Judge Kanwaldeep Sandhu
Case No.:	2024-1977
Date of Decision:	31 October 2025
Date of Publication:	15 December 2025
Registrar:	Juliet E. Johnson

Counsel for Appellant:	Self-represented
Counsel for Respondent:	Rupa Mitra

JUDGE LESLIE F. FORBANG, PRESIDING.

1. Mr. Christian Castelli (Mr. Castelli), a former staff member of the United Nations Interim Force in Lebanon (UNIFIL), contested the decision of the Administration not to convene a fact-finding panel and to close his complaint of unsatisfactory conduct filed against Mr. J., his first reporting officer (FRO) (contested decision).
2. On 10 October 2024, by Judgment No. UNDT/2024/077 (impugned Judgment),¹ the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) dismissed Mr. Castelli's application.
3. Mr. Castelli lodged an appeal against the impugned Judgment with the United Nations Appeals Tribunal (UNAT or Appeals Tribunal).
4. For the reasons set out below, the Appeals Tribunal dismisses the appeal and affirms the impugned Judgment.

Facts and Procedure

5. At the relevant time of events, Mr. Castelli was serving as a Policy and Best Practices Officer at the P-4 level with UNIFIL.
6. On 3 May 2023, Mr. Castelli submitted a complaint of unsatisfactory conduct against his FRO to the UNIFIL Head of Mission/Force Commander (HoM/FC). He alleged that his FRO abused his position of authority by denying and unduly delaying the approval of his requests for flexible working arrangements (FWAs). Mr. Castelli emphasized that the handling of his requests for FWA did not constitute isolated episodes. He cited four specific instances: i) a request for FWA submitted on 13 September 2021, which was denied without justification; ii) a request submitted on 31 January 2022, which was approved after an undue delay of six weeks, and another request submitted on 17 June 2022, which was only approved on 2 August 2022; iii) a request in March 2022 to telecommute from home due to a fractured toe that prevented him from driving, which was rejected and for which he was instead advised to take sick leave days; and iv) a request for the period from 1 April to 30 September 2023, which he was requested to resubmit as the original request had been misplaced. Regarding the last instance, Mr. Castelli alleged that his FRO's actions amounted to retaliation under Secretary-General's Bulletin ST/SGB/2017/2

¹ *Castelli v. Secretary-General of the United Nations*, Judgment No. UNDT/2024/077.

(Protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations) since his FRO was aware that he had notified the Administration in writing of possible prohibited conduct by him.²

7. On 4 May 2023, UNIFIL referred the matter to the Office of Internal Oversight Services (OIOS), in accordance with Section 4.6 of Administrative Instruction ST/AI/2017/1 (Unsatisfactory conduct, investigations and the disciplinary process). On the same day, the OIOS Deputy Director, Investigations Division, informed UNIFIL by e-mail that:³

As discussed, I have concerns receiving the report and submitting same to OIOS Intake as the complainant's position suggests that he considers FWA a right/entitlement, whereas the provisions of ST/SGB/2019/3 clearly state to the contrary, namely that FWA arrangements are purely and voluntary for all concerned; accordingly, the complainant's report does not reveal any possible unsatisfactory conduct warranting referral to OIOS as per ST/AI/2017/1 and it is respectfully suggested that the complainant be so informed.

As to the complainant's claims of retaliation, it is recommended that the complainant's attention be drawn to the provisions of ST/SGB/2017/2/Rev. 1 (...).

8. Upon receipt of the response from OIOS, the UNIFIL HoM/FC nevertheless requested the Regional Conduct and Discipline Section (RCDS) to review Mr. Castelli's complaint of unsatisfactory conduct. Regarding the retaliation allegation, Mr. Castelli was informed by e-mail on 8 May 2023 that he could raise it to the United Nations Ethics Office, should he wish to do so.⁴

9. On 1 June 2023, Mr. Castelli was informed by e-mail of the Administration's decision to close the matter, as, after a preliminary assessment, his complaint did not reveal possible unsatisfactory conduct under ST/AI/2017/1.⁵

10. On 28 July 2023, Mr. Castelli requested management evaluation of the decision "to close the complaint of prohibited conduct against [his] supervisor after a preliminary assessment without opening a fact-finding investigation and without providing any rationale for reaching such decision".⁶

² Interoffice Memorandum dated 3 May 2023 from Mr. Castelli to the UNIFIL HoM/FC.

³ E-mail dated 4 May 2023 from the OIOS Deputy Director, Investigations Division, to UNIFIL.

⁴ UNDT Application, Annex 2, E-mail from UNIFIL to Mr. Castelli dated 8 May 2023.

⁵ UNDT Application, Annex 2, E-mail from UNIFIL to Mr. Castelli dated 1 June 2023.

⁶ UNDT Application, Annex 5, Management evaluation request.

11. On 7 September 2023, the Management Evaluation Unit (MEU) informed Mr. Castelli by letter of its decision to uphold the contested decision.

12. On 5 December 2023, Mr. Castelli filed an application with the Dispute Tribunal challenging the contested decision.

Impugned Judgment

13. On 10 October 2024, the Dispute Tribunal issued the impugned Judgment, dismissing Mr. Castelli's application. As a preliminary matter, the UNDT first recalled that, pursuant to Secretary-General's Bulletin ST/SGB/2019/3 (Flexible working arrangements) and Appeals Tribunal jurisprudence, staff members have no right to FWAs.⁷ As a result, it concluded that "[t]he denial of FWA or delay in its approval without a reasonable justification (...) could entail a fact of mere mismanagement and not a violation of a staff member's right, [making it] very difficult to see an abuse of discretion where no right is envisaged".⁸

14. Applying this reasoning to the present case, the UNDT observed that, although it is "not normal that a manager does not answer at all to a legitimate request (...) nor that he answers after 6 weeks (...), or unduly denies FWA, instead inviting the staff member to take an unnecessary sick leave (...), or disregards a request only because submitted too early (...)", Mr. Castelli had not demonstrated a pattern of unlawful behavior by his FRO that could create a hostile working environment, nor had he provided any specific evidence to support a claim of retaliation.⁹ The UNDT held that the evidence – including Mr. Castelli's mere mention of a prior complaint against his FRO, which was addressed in another UNDT Judgment – could, at most, suggest mismanagement, but did not amount to prohibited conduct.¹⁰

15. Finally, the UNDT recalled that staff members do not have a right to compel the Administration to initiate an investigation. Such a right only arises in cases where there is a "serious and reasonable accusation", which may then be subject to judicial review.¹¹ It further

⁷ Impugned Judgment, para. 33 citing *AAL v. Secretary-General of the United Nations*, Judgment No. 2023-UNAT-1342, para. 28.

⁸ Impugned Judgment, para. 34.

⁹ *Ibid.*, paras. 39 and 40.

¹⁰ *Ibid.*, paras. 40 and 41. See also *Castelli v. Secretary-General of the United Nations*, Judgment No. UNDT/2024/073.

¹¹ Impugned Judgment, paras. 43-44 citing *Benfield-Laporte v. Secretary-General of the United Nations*, Judgment No. 2015-UNAT-505.

observed that a “fact-finding investigation may only be undertaken if there are sufficient grounds to believe that a staff member has engaged in unsatisfactory conduct” – a threshold that was not met in this case.¹²

Procedure before the Appeals Tribunal

16. On 16 January 2025, Mr. Castelli filed an appeal against the impugned Judgment with the Appeals Tribunal, to which the Secretary-General responded on 17 March 2025.

Submissions

Mr. Castelli’s Appeal

17. Mr. Castelli requests the Appeals Tribunal to grant his appeal. He also requests an oral hearing.

18. Mr. Castelli argues that the UNDT misinterpreted some of the arguments he submitted. Specifically, he contends that the UNDT erred in affirming the OIOS’s finding that “[he] appeared to consider FWA as a right/entitlement”.¹³ He clarifies that he never claimed an entitlement to FWAs but rather alleged abuse of authority by his FRO in the handling of his FWA requests.

19. He further argues that the legal issue in this case is not whether he had a right to have his FWA requests approved, but whether a staff member has the right to have such requests reviewed in accordance with the applicable legal framework, particularly Section 2.1 of ST/SGB/2019/3.

20. Mr. Castelli submits that the UNDT erred in law by failing to “fully consider” the fact that only a medical doctor – not his FRO – can certify sick leave.

21. Mr. Castelli contends that the UNDT disregarded several arguments he raised in his rejoinder of 20 March 2024. Specifically, he argues that the UNDT overlooked the following facts: i) the Administration’s assessment of his case was based solely on a review conducted by OIOS, even though UNIFIL did not submit his complaint to OIOS but merely discussed it in a brief phone call, following which a determination was made; ii) the UNIFIL’s conclusion that the case did not reveal any possible unsatisfactory conduct was based exclusively on an e-mail that itself relied on

¹² Impugned Judgment, para. 45.

¹³ *Ibid.*, para. 4.

verbal information; and iii) his case was dismissed solely due to a “concern” that he viewed FWAs as a right.

22. Mr. Castelli further submits that the UNDT ignored the fact that he explicitly highlighted his FRO’s actions as part of a “broader context”. In particular, he refers to: i) his Interoffice Memorandum of 3 May 2023, in which he stated that “the handling of FWAs were not isolated episodes and should be considered in the broader context of [his] 23 September 2022 submission”;¹⁴ ii) his rejoinder submitted on 20 March 2024, in which he emphasized that his FRO’s conduct reflected “a pattern based on a much larger context as reported in [his] complaint of 23 September 2022”; and iii) Judgment No. UNDT/2024/073, where the UNDT itself acknowledged “numerous fallacies” in how his case was handled and declared the Administration’s decision “null and void”.¹⁵

23. Last, Mr. Castelli argues that since “the 2022 case is still open, the 2023 request cannot be dismissed on the ground that there was no misconduct”.

The Secretary-General’s Answer

24. The Secretary-General requests the Appeals Tribunal to dismiss the appeal in its entirety and affirm the impugned Judgment.

25. Regarding Mr. Castelli’s request for an oral hearing, the Secretary-General does not submit any specific argument.

26. The Secretary-General contends that the UNDT correctly found that Mr. Castelli’s complaint about his FRO had not shown possible misconduct and, at most, demonstrated possible mismanagement.

27. The Secretary-General argues that Mr. Castelli failed to demonstrate any error in the UNDT’s conclusions that would warrant a reversal of the impugned Judgment. On the contrary, he asserts that Mr. Castelli merely disagrees with the impugned Judgment and “restates verbatim whole paragraphs from his submissions to the UNDT as set out in his rejoinder”.

¹⁴ Interoffice Memorandum dated 3 May 2023 from Mr. Castelli to the UNIFIL HoM/FC.

¹⁵ *Castelli v. Secretary-General of the United Nations*, Judgment No. UNDT/2024/073.

28. Turning to Mr. Castelli's arguments, the Secretary-General first asserts that the UNDT did not base its analysis solely on whether Mr. Castelli had a right to FWAs. In this regard, he emphasizes that, contrary to Mr. Castelli's assertions: i) OIOS did not make the contested decision; and ii) the UNDT did not rely on remarks made by OIOS, nor did it confine its analysis "to the sole consideration of whether [Mr. Castelli] had a right to have his FWA requests approved". On the contrary, the Secretary-General maintains that the UNDT properly applied the relevant legal framework to determine that Mr. Castelli had no such entitlement.

29. Second, the Secretary-General contends that the UNDT appropriately considered his FRO's reference to "sick leave", noting its finding that it was "not normal" for his FRO to suggest that Mr. Castelli "take (...) an unnecessary sick leave".¹⁶ Furthermore, relying on *AAL*, he submits that it is permissible for the Administration to request that a staff member take sick leave when a telecommuting request is denied.¹⁷

30. Third, the Secretary-General argues that the UNDT properly took into account all relevant matters, emphasizing that it was not required to expressly address each and every claim made by Mr. Castelli in the impugned Judgment. In this regard, the Secretary-General reiterates that the contested decision was made by the UNIFIL HoM/FC, not by OIOS. He further rejects Mr. Castelli's assertion that UNIFIL's determination was based exclusively on an e-mail that itself relied on verbal information received during a brief phone call. The Secretary-General considers this claim speculative and unfounded, particularly since Mr. Castelli himself acknowledges having no information regarding the content of the phone call.

31. The Secretary-General submits that the UNDT properly took into account the context of Mr. Castelli's complaint against his FRO. In this regard, he notes that the UNDT explicitly considered Mr. Castelli's previous complaint but nevertheless found that "even taking into account the backdrop of the first complaint, (...) [Mr. Castelli] had not substantiated his second complaint, and the facts that he complained of did not amount to possible misconduct that could be the basis for [a fact-finding] investigation".¹⁸ The Secretary-General further observes that Mr. Castelli's references to a "much larger context" are unaccompanied of any supporting details.

¹⁶ Impugned Judgment, para. 39.

¹⁷ *AAL* Judgment, *op. cit.*, paras. 31-32, 37 and 39.

¹⁸ Appeal brief, para. 29. See also impugned Judgment, paras. 39-40.

32. Similarly, the Secretary-General contends that Mr. Castelli's assertion that, since "the 2022 case is still open, the 2023 request cannot be dismissed on the ground that there was no misconduct", is groundless. He highlights that the UNDT never concluded that his FRO did not commit misconduct, but only that Mr. Castelli failed to present a complaint upon which an investigation could be based.

33. Last, the Secretary-General observes that Mr. Castelli is improperly attempting to make submissions that arise from Judgment No. UNDT/2024/073, despite each case having its own distinct merits.

Considerations

Request for an oral hearing

34. Mr. Castelli requests an oral hearing of this appeal on the grounds that the impugned Judgment only considered the Secretary-General's arguments, misconstrued the fact that he allegedly considered FWAs as an entitlement, and that it is unclear whether his "Closing Remarks" were received by the Dispute Tribunal. The Secretary-General did not comment on this request.

35. Oral hearings are governed by Article 8(2) and (3) of the Appeals Tribunal Statute (Statute) and Article 18(1) of the Appeals Tribunal Rules of Procedure (Rules). The Statute provides that "the Appeals Tribunal shall decide whether the personal appearance of the appellant or any other person is required at oral proceedings and the appropriate means to achieve that purpose"; and that "the judges assigned to a case will determine whether to hold oral proceedings". In turn, the Rules stipulate that "[t]he Judges hearing a case may hold oral hearings on the written application of a party or on their own initiative if such hearings would assist in the expeditious and fair disposal of the case".

36. In the present case, the grounds on which Mr. Castelli requests an oral hearing are not persuasive or sufficient to justify it. On the contrary, the factual and legal issues arising from the appeal have already been clearly defined by the parties and we see no need for further clarification. All elements for discussion are already on record. Moreover, we do not find that an oral hearing would "assist in the expeditious and fair disposal of the case", as required by Article 18(1) of the Rules. For these reasons, Mr. Castelli's request for an oral hearing is denied.

Merits

37. Article 2(1) of the Statute provides that:

The Appeals Tribunal shall be competent to hear and pass judgement on an appeal filed against a judgment rendered by the [UNDT] in which it is asserted that the Dispute Tribunal has:

- (a) Exceeded its jurisdiction or competence;
- (b) Failed to exercise jurisdiction vested in it;
- (c) Erred on a question of law;
- (d) Committed an error in procedure, such as to affect the decision of the case; or
- (e) Erred on a question of fact, resulting in a manifestly unreasonable decision.

38. On appeal, Mr. Castelli raises a series of issues. He challenges the UNDT's decision to affirm the OIOS finding that his complaint revealed that he considered FWAs as a right or an entitlement. He maintains that the legal issue in this case is not whether he had a right to have his FWA requests approved, but whether he had a right to have his requests reviewed in accordance with the applicable legal framework. In addition, Mr. Castelli argues that the UNDT committed an error of law in confining his request to a "mere" matter of a right to FWAs. Similarly, he objects to the UNDT's erroneous identification of the right he was contesting, which he considers a substantial error warranting the reversal of the impugned Judgment under Article 2(1) of the Statute.

39. In this context, it is important to define the issues before us. The subject of this appeal is the Administration's decision not to convene a fact-finding panel and to close Mr. Castelli's complaint of unsatisfactory conduct filed against his FRO. This decision formed the basis of Mr. Castelli's request for management evaluation and his application before the UNDT. Therefore, the issue before the Appeals Tribunal is whether the UNDT erred in law or fact, or exceeded its jurisdiction, by finding the contested decision lawful. We find that Mr. Castelli's arguments on appeal do not directly address this issue. Rather, he focuses more on his claim that the UNDT misconstrued the right he invoked or ignored his contentions. Such arguments fail to identify any reversible error in the impugned Judgment within the meaning of Article 2(1) of the Statute and are thus without merit.

40. Moreover, as we previously held in *Trevino*:¹⁹

... As a general principle, the instigation of disciplinary charges against a staff member is the privilege of the Organization itself, and it is not legally possible to compel the Administration to take disciplinary action. The Administration has a degree of discretion as to how to conduct a review and assessment of a complaint and whether to undertake an investigation regarding all or some of the allegations. Only in particular situations (i.e., in the case of a serious and reasonable accusation) does a staff member have a right to an investigation against another staff member which may be subject to judicial review under Article 2(1)(a) of the UNDT Statute and Article 2 of the [Statute]. (...) There are situations where the only possible and lawful decision of the Administration is to deny a staff member's request to undertake a fact-finding investigation against another staff member.

41. Sections 2 and 5 of ST/AI/2017/1 provide, in relevant part:

2.1 For the purpose of the present instruction:

...

(h) 'Preliminary assessment' means the review and analysis by a responsible official or OIOS of information about unsatisfactory conduct in order to determine whether there are sufficient grounds to initiate an investigation.

...

5.1 OIOS retains the ultimate authority to decide which cases it will consider and shall determine whether the information of unsatisfactory conduct received merits any action, and if so, is better handled by the responsible official or by OIOS. OIOS may at any time decide that a case is better handled by it.

...

5.3 If OIOS determines that the matter is better handled by the responsible official, it shall send the matter back to the responsible official, who shall conduct a preliminary assessment to determine whether an investigation is warranted.

...

5.5 In undertaking the preliminary assessment, the following factors may be considered:

- (a) Whether the unsatisfactory conduct is a matter that could amount to misconduct;
- (b) Whether the provision of the information of unsatisfactory conduct is made in good faith and is sufficiently detailed that it may form the basis for an investigation;
- (c) Whether there is a likelihood that an investigation would reveal sufficient evidence to further pursue the matter as a disciplinary case;

¹⁹ *Sergio Baltazar Arvizú Trevino v. Secretary-General of the United Nations*, Judgment No. 2022-UNAT-1231, para. 47 (internal footnotes omitted). See also *Kortut Yavuz v. Secretary-General of the United Nations*, Judgment No. 2022-UNAT-1291, para. 53; *Nadeau v. Secretary-General of the United Nations*, Judgment No. 2017-UNAT-733/Corr. 1, para. 33; *Oummih v. Secretary-General of the United Nations*, Judgment No. 2015-UNAT-518/Corr. 1, para. 31.

- (d) Whether an informal resolution process would be more appropriate in the circumstances;
- (e) Any other factor(s) reasonable in the circumstances.

5.6 Upon conclusion of the preliminary assessment, the responsible official shall decide to either:

- (a) Initiate an investigation of all or part of the matters raised in the information about unsatisfactory conduct; or
- (b) Not initiate an investigation.

42. In *Okwir*, we clarified that:²⁰

... (...) Only misconduct on the part of a staff member can lead to the imposition of disciplinary measures; consequently, if it becomes clear during the preliminary assessment that there is no misconduct, it is not necessary to initiate a fact-finding investigation. Although the responsible official may consider all the factors mentioned in Section 5.5 of ST/AI/2017/1, the crucial issue will always be whether the alleged actions amount to misconduct.

43. Accordingly, a fact-finding investigation may only be undertaken after a preliminary assessment establishes, in terms of Section 2.1(h), “sufficient grounds to initiate an investigation” – that is, in the present case, sufficient grounds to indicate that the alleged unsatisfactory conduct in question could amount to misconduct. Consequently, if no such grounds exist, the Administration is not allowed to initiate an investigation against a staff member. This is because the mere undertaking of an investigation under ST/AI/2017/1 can have a negative impact on the staff member concerned.²¹

44. In the present case, Mr. Castelli does not show, nor do we see, why any of the factors mentioned in Section 5.5 of ST/AI/2017/1 could have led to a decision to initiate a fact-finding investigation. Even assuming that his report was made in good faith and was sufficiently detailed in accordance with Section 5.5(b) of ST/AI/2017/1, a fact-finding investigation was not necessary, as there were no sufficient grounds to indicate that the alleged unsatisfactory conduct could amount to misconduct, and, as a result, there was no likelihood that an investigation would reveal sufficient evidence to further pursue the matter as a disciplinary case.

²⁰ *Baker Kosmac Okwir v. Secretary-General of the United Nations*, Judgment No. 2022-UNAT-1232, para. 55.

²¹ *Kortut Yavuz* Judgment, *op. cit.*, para. 54 (internal footnote omitted).

45. We also find no merit in Mr. Castelli's argument that the UNDT's failure to correctly identify the right he challenged constituted a substantial error of fact warranting reversal of the impugned Judgment. We recall that "the authority to render a judgment gives the Judge an inherent power to individualize and define the administrative decision impugned by a party and identify what is in fact being contested and subject to judicial review".²²

46. It follows from the above that the UNDT had a legal basis to define the decision subject to judicial review. It was also appropriate for the UNDT to consider, as a preliminary step, whether Mr. Castelli had a right to have his FWA requests approved, because it is a trite and universally accepted principle of law that where there is no right, there can be no remedy.

47. In addition, Mr. Castelli contends that the UNDT erred in law by failing to "fully consider" the fact that only a medical doctor, not his FRO, could certify his sick leave. He asserts that his FRO improperly substituted his judgment for that of a medical practitioner.²³

48. We disagree.

49. The UNDT did consider his FRO's reference to "sick leave", finding that it was "not normal" for his FRO to suggest that Mr. Castelli "take (...) an unnecessary sick leave".²⁴

50. Furthermore, the evidence on record indicates that the alleged "order" from his FRO to take sick leave consisted of a handwritten annotation, at the top of an e-mail that Mr. Castelli wrote to his doctor on 8 March 2022, requesting a medical certificate for sick leave. The note, allegedly written by his FRO, read: "FWA not supported. To be undertaken as sick leave".²⁵ It is also on the record that Mr. Castelli's request for FWA was based on a UNIFIL medical certificate issued at his request, which confirmed that he had a fractured middle phalanx of his fifth toe that prevented him from driving.²⁶ Considering that Mr. Castelli requested FWA on medical grounds, the annotation cannot reasonably be construed as an order for him to take certified sick leave. At most, we find that it was a recommendation for him to apply for sick leave since his FWA request was denied.

²² *Massabni v. Secretary-General of the United Nations*, Judgment No. 2012-UNAT-238, para. 26.

²³ Appeal brief, para. 1.

²⁴ Impugned Judgment, para. 39.

²⁵ E-mail dated 8 March 2022 from Mr. Castelli to his doctor.

²⁶ UNIFIL medical certificate dated 8 March 2022.

51. Additionally, Mr. Castelli submits that the UNDT disregarded several arguments raised in his rejoinder dated 20 March 2024, which he now reiterates on appeal without identifying any specific error committed by the UNDT. However, we have consistently held that the appeals procedure is corrective in nature and is not an opportunity for a dissatisfied party to reargue his or her case. A party cannot merely repeat on appeal arguments that did not succeed in the lower court. Rather, he or she must demonstrate that the court below has committed an error of fact or law warranting intervention by the Appeals Tribunal.²⁷ Furthermore, the UNDT does not have to address every claim made by a litigant, especially when the claim has no merit.²⁸ In the present case, we find that Mr. Castelli failed to identify any defect in the impugned Judgment but merely disagrees with its outcome and repeats arguments already considered and rejected by the UNDT.

52. Consequently, we find that the UNDT did not commit an error of law or exceed its jurisdiction in finding the contested decision lawful.

²⁷ *Ray Steven Millan v. Secretary-General of the United Nations*, Judgment No. 2023-UNAT-1330, paras. 98-99; *Krioutchkov v. Secretary-General of the United Nations*, Judgment No. 2017-UNAT-744, paras. 36-37; *Al-Moued v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. 2014-UNAT-458, paras. 18 and 23.

²⁸ *Mizyed v. Secretary-General of the United Nations*, Judgment No. 2015-UNAT-550, para. 35 citing *Abu Jarbou v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. 2013-UNAT-292, para. 47.

Judgment

53. Mr. Castelli's appeal is dismissed, and Judgment No. UNDT/2024/077 is hereby affirmed.

Original and Authoritative Version: English

Decision dated this 31st day of October 2025 in New York, United States.

(Signed)

Judge Forbang, Presiding

(Signed)

Judge Ziadé

(Signed)

Judge Sandhu

Judgment published and entered into the Register on this 15th day of December 2025 in New York, United States.

(Signed)

Juliet E. Johnson, Registrar