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# UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

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Case No. 2023-1804

**Gheorghe Catalin Radu**

**(Appellant)**

**v.**

**Secretary General of the**

**International Civil Aviation Organization**

**(Respondent)**

**ORDER No. 538 (2023)**

1. Mr. Gheorghe Catalin Radu, a former D-1 staff member with the International Civil Aviation Organization (ICAO), contested before the ICAO Appeals Board (Appeals Board) the administrative decision dated 8 November 2021 to separate him from service with immediate effect for misconduct. Mr. Radu challenged the decision on purely procedural grounds, arguing that he should not have been separated while on certified sick leave. By Decision No. ICAO/2022/006 dated 20 September 2022 (Decision No. 1), the Appeals Board dismissed his application in its entirety. Mr. Radu appealed to the United Nations Appeals Tribunal (UNAT or Appeals Tribunal) (UNAT Case No. 2022-1768).

2. On 7 February 2022, Mr. Radu submitted a second application to the Appeals Board contesting the same administrative decision of 8 November 2021, this time contesting the merits of the decision, i.e. the actual disciplinary measure of discharge from his employment with ICAO on the ground of misconduct. By Decision No. ICAO/2023/001 (Decision No. 2) dated 21 February 2023, the Appeals Board dismissed his application. On 22 May 2023, Mr. Radu filed an appeal to UNAT challenging Decision No. 2 (UNAT Case No. 2023-1804).

3. UNAT Case No. 2022-1768 was on the docket for consideration and disposal at the Appeals Tribunal's 2023 Fall Session. As I orally pronounced this morning,<sup>1</sup> the Appeals

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<sup>1</sup> The written Judgment will be released in due course.

Tribunal dismissed Mr. Radu’s appeal without prejudice on grounds that Decision No. 1 of the ICAO Appeals Board is not a final judgment, in that it merely addresses one element of Mr. Radu’s allegedly unlawful dismissal for misconduct, which was the dismissal of Mr. Radu for misconduct *while on certified sick leave*.

4. It is not in the interest of justice for the Appeals Tribunal to issue separate judgments on different claims of error with respect to the same administrative decision. Such an approach would encourage a multiplicity of appeals on different aspects of one decision. Rather than address Mr. Radu’s claims concerning the 8 November 2021 decision in a piecemeal fashion, the Appeals Tribunal will consider all of his claims in the same Judgment in the Appeals Tribunal’s Spring Session in 2024.

I therefore **ORDER**, pursuant to Article 31(1) of the Appeals Tribunal Rules of Procedure, that Mr. Radu may amend his appeal brief in UNAT Case No. 2023-1804, which is scheduled to be considered by the Appeals Tribunal at its 2024 Spring Session, to incorporate the grounds of his appeal in UNAT Case No. 2023-1804. Mr. Radu may have a period of 30 days from the date of this order to file an amended appeal, with the Secretary General having a period of 30 days from receipt of the amended appeal thereafter to file any amended answer.

Original and Authoritative Version: English

Decision dated this 27<sup>th</sup> day of October 2023  
in New York, United States.

(Signed)  
Judge Xiaoli Gao,  
Presiding Judge

Order published and entered in the Register on this  
27<sup>th</sup> day of October 2023 in New York, United States.

(Signed)  
Juliet E. Johnson,  
Registrar