



Before: Judge Francesco Buffa
Registry: Nairobi
Registrar: René M. Vargas M., Officer-in-Charge

CASTELLI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Nicole Wynn, AS/ALD/OHR, UN Secretariat

Introduction

1. The Applicant is a policy and Best Practices Officer working with the United Nations Interim Force in Lebanon (“UNFIL”).
2. On 5 December 2023, he filed an application contesting the 9 June 2023 decision to not convene a fact-finding panel and to close his 4 May 2023 complaint of unsatisfactory conduct against his first reporting officer, for having denied two requests for a flexible working arrangement (“FWA”), and delaying the approval of others, which in the Applicant’s view constituted abuse of authority and created a hostile work environment.
3. In his reply, the Respondent contends that the contested decision was lawful asserting that the Head of Mission properly determined that the Applicant did not complain of a conduct that could amount to misconduct, and that there were no sufficient grounds to convene a fact-finding panel.
4. By Order No. 23 (NBI/2024), the Duty Judge instructed the Applicant to file a rejoinder and asked the parties to explore resolving the dispute amicably and revert to the Tribunal in this respect.
5. The Applicant filed his rejoinder on 20 March 2024.
6. On 27 March 2024, the Respondent informed the Tribunal that there have been discussions between the Applicant and UNIFIL regarding this claim, but the parties were unable to reach a settlement agreement.
7. The case was assigned to undersigned Judge on 5 August 2024.

Consideration

8. The Tribunal has reviewed the parties’ submissions and, having in mind art. 19 of its Rules of Procedure, takes the view that the relevant facts in the present case are clear, there is no need to conduct a hearing on the merits, and the matter can be determined on the basis of the documents on record.

9. Therefore, in the interest of a fair and expeditious disposal of the case, the parties are directed to file closing submissions, addressing the points raised in each other's filings.

Conclusion

10. In view of the foregoing, it is ORDERED THAT:

- a. By **5 p.m. (Nairobi time), on Friday 13 September 2024**, the parties shall file their respective closing submission, which shall exclusively refer to the evidence already on file; and
- b. The closing submission shall not exceed five pages, in font Times New Roman, font size 12, line spacing of 1.5 lines.

(Signed)

Judge Francesco Buffa

Dated this 20th day of August 2024

Entered in the Register on this 20th day of August 2024

(Signed)

René M. Vargas M., Officer-in-Charge, Nairobi