
UNITED NATIONS APPEALS TRIBUNAL
TRIBUNAL D 'APPEL DES NATIONS UNIES

Judgment No. 2023-UNAT-1385



Gheorghe Catalin Radu
(Appellant)

v.

Secretary General of the
International Civil Aviation Organization
(Respondent)

JUDGMENT

Counsel for Appellant: Self-represented

Counsel for Respondent: Christopher M. Petras

JUDGE G

9. On 16 September 2021, the Secretary General wrote to the President of the ICAO Council pursuant to Staff Regulation 9.9, to request approval to terminate Mr. Radu's appointment.

10. On 17 September 2021 Mr. Radu, who had previously submitted a medical certificate for the period of 13 to 17 September 2021, which was subsequently certified by the ICAO medical consultants, requested further sick leave for the period of 20 to 22 September 2021.

11. On 21 September 2021, the President approved the termination of Mr. Radu's oB (i)4.3 (d)2

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31. Mr. Radu further contends that the Appeals Board erred in concluding that Staff Rule 110.1(11) did not require the Secretary General to consult with the Medical Clinic on 8 November 2021.

32. Finally, Mr. Radu maintains that the Appeals Board erred in concluding there was no requirement for the Secretary General to take the medical condition of the Appellant into account when making or communicating the decision to discharge the Appellant from his employment with ICAO.

33. Mr. Radu asks that the UNAT set aside the impugned administrative decision of 8 November 2021; order the rescission of the Secretary General's decision directing his immediate discharge, until his sick leave is exhausted, and the Medical Clinic could confirm his fitness; and order that any new procedure should comply with Staff Rule 110.1(11) including consultation with the Medical Clinic. Mr. Radu further asks that the UNAT award compensation for material prejudice due to the violation of Staff Rule 110.1(11) for the effect on him of being dismissed in the circumstances in which he was, estimated at USD 30,000; and compensation for moral prejudice due to the impact on his health and the withdrawal of the Organization's health insurance, estimated at USD 60,000; and reimbursement of legal fees, if any.

The Secretary General's Answer

34. The Secretary General submits that Mr. Radu merely disagrees with the Appeals Board and repeats the same arguments he unsuccessfully made to the Appeals Board without demonstrating any error in law in the Appeals Board's decision. In addition, in support of his claims, Mr. Radu fails to offer any credible explanation as to why he submitted a timely ten-page reply to the Secretary General's 21 September 2021 provisional decision to discharge him. Nor does he address his subsequent failure to exercise his right under Staff Rule 111.1 to request that the Appeals Board waive the time limit for him to request administrative review of the Secretary General's 8 November 2021 discharge decision and/or the time limit for him to submit an appeal following his receipt of the Secretary General's 26 December 2021 response. The Secretary General seems to suggest that Mr. Radu's alleged physical and mental

35. The Secretary General ~~s07~~ [39804 185bm3(RaR 6)0 5(r..1 (y/TT4 1c f 0c 0.211.01.326 Td185 8.Tjy/

38. 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. ~~multiple~~

Judgment

40. Mr. Radu's appeal in Case No. 20221768 is dismissed without prejudice.

Original and Authoritative Version: English

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

(Signed)

Judge Gao, Presiding

(Signed)

Judge Colgan

(Signed)

Judge Savage

Judgment published and entered into the Register on this 21st day of November 2023 in New York, United States.

(Signed)

Juliet E. Johnson, Registrar