

Office of the Legislative Secretary
Senator Tina Rose Mufiz Barnes

Date 12-10-13

Time 7:45



**BEFORE THE
GUAM CIVIL SERVICE COMMISSION
BOARD OF COMMISSIONERS**



IN THE MATTER OF:

TROY MORRISON,

Employee,

vs.

**GUAM POLICE DEPARTMENT,
Management.**

**ADVERSE ACTION APPEAL
CASE NO. 09-AA43T**

DECISION AND JUDGMENT

32-13-1069
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 12-10-13
Time 8:40am
Received by [Signature]

This case came before the Civil Service Commission ("Commission") on October 22, 2013 on Guam Police Department's Motion to Dismiss Employee's Appeal with Prejudice ("Motion"). Thomas Fisher, of Fisher & Associates, was present on behalf of Troy Morrison ("Employee").¹ Present for Management were Colonel Maurice Sayama and Assistant Attorney General Donna Lawrence.

**I.
BACKGROUND**

1. On November 10, 2009, Employee was issued a Notice of Final Adverse Action terminating his employment with the Guam Police Department effective immediately upon service.

2. Employee appealed his termination with the Commission on November 30, 2009. Merit hearing dates were set in this case to be heard in November 2013.

3. On February 21, 2013, Employee died.

¹ Mr. Fisher has indicated at every instance on the record that he was in attendance at Commission status call conferences and meetings on behalf of Employee and that he has not been retained or engaged by Employee's estate to continue the appeal process before the Commission. I

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2013 DEC 10 AM 8:53

1 4. A status conference was scheduled ²⁸ before ~~the~~ on March 12, 2013, after notice
 2 of Employee's death was given by Mr. Fisher.

3 5. At the status conference on March 12, 2013, all merit hearing dates were vacated,
 4 the matter was stayed for six months, and a further status conference was scheduled before the
 5 Commission on August 21, 2013, to allow Employee's estate to continue with Employee's
 6 appeal if it applied to the Commission.

7 6. Mr. Fisher attended the status conferences on March 12, 2013, and August
 8 21, 2013.

9 7. Management filed this Motion on September 19, 2013. The Motion was served on
 10 Mr. Fisher, and also personally served on Employee's brother, Senator Tommy Morrison (as
 11 requested by Employee's attorney at the August ²¹ 27, 2013, status conference).

12 8. No response was ever filed with the Commission.

13 **II.**
DISCUSSION

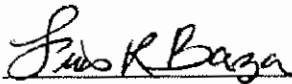
14 CSC AAR No. 12.1 states in pertinent part, "[i]f an Employee dies after he has filed an
 15 appeal of an adverse action taken against him, the appeal shall automatically be stayed for a
 16 period up to six (6) months in order for the Estate of the Employee to apply to the CSC to
 17 continue with the appeal. If the Estate of the Employee does not so apply within six (6) months,
 18 then the appeal shall be dismissed upon a motion by Management . . ."

19 In the present case, the Estate of the Employee did not apply to the CSC to continue with
 20 the appeal within six (6) months of the Employee's death on February 21, 2013, and/or at any
 21 time. Employee's date of death is undisputed. Moreover, GPD's Motion to Dismiss Appeal
 22 with Prejudice was not opposed by Employee's attorney and/or the Estate.

**III.
CONCLUSION**

Based upon the pleadings filed and a review of CSC AA R#12.1, the Commission grants Management's Motion to Dismiss by a vote of 6-0.

SO ADJUDGED THIS 5th day of December 2013.




LUIS R. BAZA
Chairman



MANUEL R. PINAUIN
Vice-Chairman



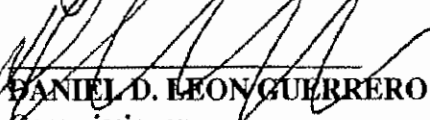
PRISCILLA T. TUNCAP
Commissioner



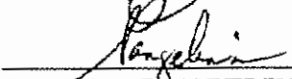
JOHN SMITH
Commissioner



LOURDES HONGYEE
Commissioner



DANIEL D. LEON GUERRERO
Commissioner



EDITH C. PANGELINAN
Commissioner