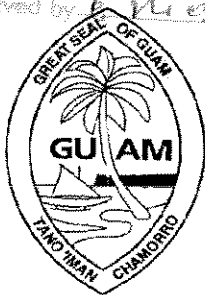


Date 11-13-13  
Time 8:30 am  
Received by [Signature]



BEFORE THE  
GUAM CIVIL SERVICE COMMISSION

Office of the Speaker  
Judith T. Won Pat, Ed. D.

Date 11-13-13  
Time 9:57 am  
Received by [Signature]



IN THE MATTER OF:

NEETI PRAKASH,

Employee,

vs.

DEPARTMENT OF EDUCATION,

Management.

ADVERSE ACTION APPEAL  
CASE NO. 12-AA12T

DECISION AND  
INTERLOCUTORY  
JUDGMENT

2013 NOV 13 AM 10:28  
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This matter came before the Civil Service Commission for a hearing on the merits with regard to an appeal of an adverse action of termination of Neeti Prakash by the Department of Education Management ("DOE"). Following the presentation of evidence, it was determined by the Commission that, while DOE was correct in issuing adverse action, the kind of action taken was too severe in light of the charges against Prakash. Accordingly, the Commission voted to modify the adverse action to demotion,<sup>1</sup> the terms of which have been agreed to by the parties in the attached Stipulation to Terms of Reinstatement ("Stipulation") filed by the parties on October 22, 2013.<sup>2</sup>

The Commission, after reviewing the terms of the Stipulation, ratified the same. The Commission further determined, pursuant to CSC AA R#11.7.2 that the prevailing party in the matter was DOE because the issuance of an adverse action (though not the type) was correct, and

<sup>1</sup> The vote was 4-2 in favor of demotion. Two Commissioners voted to uphold the adverse action in its entirety.  
<sup>2</sup> A copy of the Stipulation was emailed to the Commission on October 21, 2013. However, the original was delivered to the Commission on October 22.


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1 as such, Prakash is not entitled to reimbursement of her attorney's fees and costs. Additionally,  
 2 and in accordance with the terms of the Stipulation, which mandates reinstatement within thirty  
 3 (30) days of the issuance of this Judgment, neither back pay nor retroactive benefits are due to  
 4 Prakash.

5 On October 28, 2013, Prakash filed a Motion to Reconsider Pursuant to CSC AA R.  
 6 11.7.1 RE: SP194-06 ("Motion to Reconsider"). The issues on which Prakash seeks  
 7 reconsideration are back pay, leave and benefit accrual, including retirement, and attorney's fees.  
 8 The DOE filed its opposition to the Motion to Reconsider on October 30, 2013. The parties are  
 9 instructed that because the Motion to Reconsider is now fully briefed, that motion will be heard  
 10 by the Commission on November 26, 2013 at its meeting beginning at 5:45 pm. In light of the  
 11 pending Motion to Reconsider, the Commission issues this Judgment in interlocutory form and  
 12 further instructs the parties that this Judgment shall not be considered the final Judgment for  
 13 purposes of CSC AA R#11.7.8.

14 **THUS IT IS HEREBY ORDERED** that Prakash shall be reinstated to employment in the  
 15 position and at the rate set forth in the Stipulation of the parties. The Motion to Reconsider is  
 16 limited to issues of back pay, leave accrual, retirement and attorneys' fees and does not affect in  
 17 any way the requirement that Prakash be re-employed with DOE. Thus, **IT IS FURTHER**  
 18 **ORDERED** that, in accordance with the Stipulation, DOE undertakes any additional action  
 19 required to ensure that Prakash is re-employed with DOE within thirty (30) days of the date of  
 20 this interlocutory Judgment.

21 SO ORDERED THIS 12<sup>th</sup> day of November, 2013.

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 23   
 24 **LUIS R. BAZA**  
**Chairman**

23   
 24 **MANUEL R. PINAUIN**  
**Vice-Chairman**

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Not present

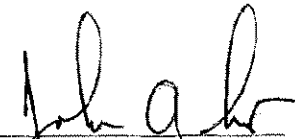
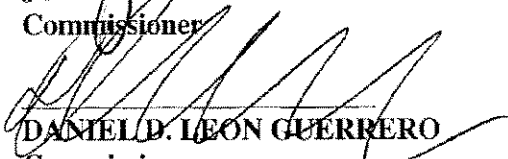
PRISCILLA T. TUNCAP  
Commissioner



LOURDES HONGYEE  
Commissioner

Not present

EDITH C. PANGELINAN  
Commissioner

  
JOHN SMITH  
Commissioner  
DANIEL D. LEON GUERRERO  
Commissioner