

Date 11.13.13
Time 8:30 am
Received by G Mesmer



**BEFORE THE
GUAM CIVIL SERVICE COMMISSION**



IN THE MATTER OF:

MARK C. TOLENOA,

Employee,

vs.

DEPARTMENT OF EDUCATION,

Management.

**ADVERSE ACTION APPEAL
CASE NO. 10-AA24T**

DECISION AND JUDGMENT

32-13-973
**Office of the Speaker
Judith T. Won Pac, Ed. D.**

Date 11.13.13

Time 7:57 am

Received by [Signature]

2013 NOV 13 AM 10:28
[Signature]

I. INTRODUCTION

This matter came before the Civil Service Commission for a scheduled motion hearing on October 22, 2013. Employee Mark C. Tolenoa ("Tolenoa") was represented by his lay representative, David Babauta. Tolenoa himself did not appear. The Department of Education was represented by its lay representative, Robert E. Koss and Deputy Superintendent of Assessment and Accountability Robert Malay.

Tolenoa was terminated from his employment as a School Bus Driver for Individuals with Disabilities with the Department of Education on November 22, 2010. He appealed the adverse action on December 9, 2010. This matter was before the Commission for a scheduled motion hearing; however, neither party filed any motions. Mr. Babauta indicated on the record at the October 22 meeting that he had lost contact with Tolenoa.¹ Noting that it had been nearly three (3) years since Tolenoa filed his appeal and Tolenoa's absence from the meeting despite

¹ The Department of Education, through Mr. Koss, also represented to the Commission that Tolenoa had pleaded guilty to criminal charges with issues similar to those contained within the Final Notice of Adverse Action issued to Tolenoa.

1 CSC AA R#9.6 requiring attendance, the Commission dismissed the appeal for a failure to
2 prosecute.

3 SO ORDERED AND ADJUDGED this 12th day of November, 2013 as determined by of
4 a vote of 6-0 on October 22, 2013.

5 

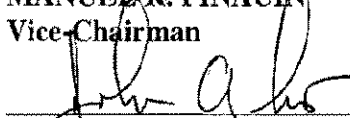
6 **LUIS R. BAZA**
7 Chairman

5 

6 **MANUEL R. PINAUIN**
7 Vice-Chairman

7 Not present


8 **PRISCILLA T. TUNCAP**
9 Commissioner

7 

8 **JOHN SMITH**
9 Commissioner

9 

10 **LOURDES HONGYEE**
11 Commissioner

9 

10 **DANIEL D. LEON GUERRERO**
11 Commissioner

11 Not present

12 **EDITH C. PANGELINAN**
13 Commissioner

14
15
16
17
18
19
20
21
22
23
24
25