

**ORIGINAL**



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



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**IN THE MATTER OF:**

**ERIC S.N. SANTOS,**

**Employee,**

**vs.**

**DEPARTMENT OF CORRECTIONS,**

**Management.**

**ADVERSE ACTION APPEAL  
CASE NO. 13-AA30T**

**DECISION AND ORDER**

*32-14-2167*  
Office of the Speaker  
Judith T. Won Pat, Ed.D

Office of the Legislative Secretary  
Senator Tina Cross M.A. Barnes  
Date 10-22-14  
Time 9:42  
Received by [Signature]

Date: 10-22-14 Time: 10:01 AM

2014 OCT 22 AM 10:25 AM

This case came before the Civil Service Commission at its regularly scheduled meeting on March 4, 2014, at 5:45 p.m., at its office located in Sinajana, Guam.

Eric Santos ("Employee") was present as was his lay representative, David Babauta, from Guam Federation of Teachers. Present for Management was Director Jose San Augustin. Donna E. Lawrence, Esq., from the Attorney General's Office, was present and represented Management.

**I.  
ISSUE**

Did Employee meet his burden of proof under CSC AAR 9 regarding his Motion for Dismissal filed with the Civil Service Commission?

**II.  
HOLDING**

After considering the pleadings and the arguments of counsel, the CSC finds that Employee did not meet his burden of proof relating to his Motion to Dismiss the adverse action

1 appeal for an alleged violation of the 60 day rule. The CSC finds that Management took action  
2 within the time period allowed under 4 G.C.A. § 4406, and that there were no procedural defects.

3 **III.**  
4 **JURISDICTION**


5 The jurisdiction of the Civil Service Commission is based upon the Organic Act of  
6 Guam, 4 G.C.A. Section § 4401 et. seq. and the personnel rules and regulations.

7 **IV.**  
8 **CONCLUSION**

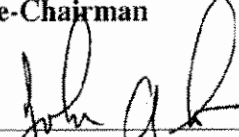
9 By a vote of 6-0, the Commission denies Employee's Motion to Dismiss the adverse  
10 action. Employee failed to meet his burden of proof. The matter shall proceed to a merit  
11 hearing.


12 IT IS SO ORDERED THIS 21st DAY OF October 2014.

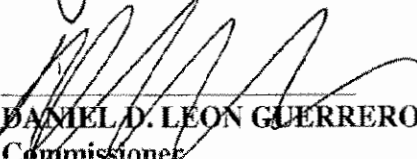
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14 **LUIS R. BAZA**  
15 **Chairman**

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14 **MANUEL R. PINAUI**  
15 **Vice-Chairman**

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16 **PRISCILLA T. TUNCAP**  
17 **Commissioner**

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16 **JOHN SMITH**  
17 **Commissioner**

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18 **LOU HONGYEE**  
19 **Commissioner**

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18 **DANIEL D. LEON GUERRERO**  
19 **Commissioner**

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21 **EDITH C. PANGELINAN**  
22 **Commissioner**

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