

BEFORE THE
GUAM CIVIL SERVICE COMMISSION
BOARD OF COMMISSIONERS



IN THE MATTER OF:

ERIC SN SANTOS,

Employee,

vs.

DEPARTMENT OF CORRECTIONS,

Management.

ADVERSE ACTION APPEAL
CASE NO. 13-AA30T

DECISION AND JUDGMENT

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This matter came before the Civil Service Commission for a hearing on the merits of the Employee's Appeal from the Adverse Action to terminate him on November 10, 12 and 17, 2015, and December 1 and 10, 2015. Present were the Employee and his representative, Daniel Del Priore; and Assistant Attorney General David J. Highsmith and the Deputy Director of the Department of Corrections, Ms. Carla Borja. The six members of the Commission were also present: Chairperson Louis Baza; John Smith; Edith Pangelinan; Priscilla Tuncap; Lourdes Hongyee; and Danny Leon Guerrero. The Commission heard the testimony of several witnesses, examined documentary evidence, heard closing argument and then deliberated. On December 10, 2015, the Commission denied the Employee's appeal by a 6-0 vote, finding that Management had met its burden of proof.

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

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I.
JURISDICTION

2 The Commission has jurisdiction over this matter pursuant to 4 G.C.A. §§ 4401, et seq.,
3 and the relevant Personnel Rules and Regulations.

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II.
FACTS

- 5
- 6 1. On or about August 1, 2013, the Employee, Eric Santos, was employed as a
7 Corrections Officer I at the Department of Corrections.
- 8 2. On August 1, 2013, the Employee was assigned to the Hagatna Detention Facility
9 and was guarding detainees there.
- 10 3. On August 1, 2013, the Employee, without provocation and justification, confronted a
11 Corrections Officer who was his superior at the time, attempting to start a fight. The
12 Employee used abusive and obscene language toward his fellow officer and tried to
13 provoke the other officer into attacking him. Said fellow officer was intimidated and
14 made apprehensive by the Employee's aggressive behavior. The Employee is a
15 skilled mix martial arts fighter and is sometimes belligerent and abrasive around
16 fellow DOC officers.
- 17 4. On August 1, 2013, immediately after the confrontation with another officer, in the
18 presence of detainees, the Employee caused damage to a water cooler that was
19 government property located at the Hagatna Detention Facility by kicking it. The
20 Employee blamed an inmate for damaging the water cooler, but the evidence does not
21 support this allegation.
- 22 5. The Employee has anger management issues and his testimony indicates that he is not
23 suited to corrections work and not able to take responsibility for his actions. He
24 blamed other Corrections personnel for his problems on the job and claims that they
25 "are out to get him."

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- 6. The Employee claims that his interview by DOC Internal Affairs was taped and that part of the tape was withheld and altered by Management in an effort to undermine his case, but the Commission finds this dubious. He alleged that the Internal Affairs officers who interviewed him were “deceiving” him during the interview.
- 7. The Employee also claims that he did not fail this training session, but his is contradicted by other testimony which is credible. This reflects poorly on the Employee’s credibility.
- 8. Several DOC managers have tried to counsel the Employee in the past, but to no avail.
- 9. DOC administered two suspensions to the Employee before the events of August 1, 2013 and has therefore complied with the requirement of “progressive discipline.”
- 10. Management has met the burden of proof imposed by 4 GCA §§4406 and 4407 and the charges are sustained.
- 11. The Employee was guilty of misconduct as described in the Notice of Final Adverse Action.
- 12. On August 1, 2013, the Employee was guilty of refusal and failure to perform his prescribed duties and responsibilities; insubordination; discourteous treatment of the public and other Employees; and other misconduct not specifically listed.
- 13. Employee rehashed arguments previously made by motion relating to the sixty (60) day rule of 4 G.C.A. § 4406, but they were unpersuasive for reasons set forth in the Decision and Order on that motion.

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III.

CONCLUSION

The termination of the Employee is affirmed pursuant to 4 GCA §§4406 and 4407 by a
vote of 6-0.

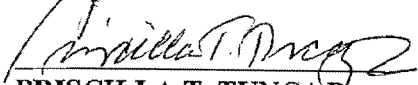
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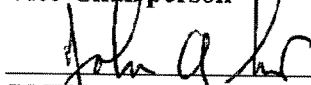
EDITH PANGELINAN
Chairperson

Not present

DANIEL D. LEON GUERRERO
Vice-Chairperson



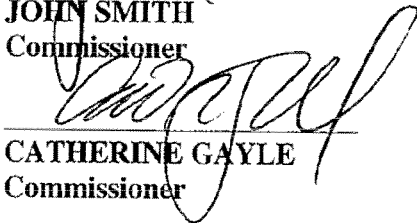
PRISCILLA T. TUNCAP
Commissioner



JOHN SMITH
Commissioner



LOU HONGYEE
Commissioner



CATHERINE GAYLE
Commissioner

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