

BEFORE THE  
GUAM CIVIL SERVICE COMMISSION  
BOARD OF COMMISSIONERS



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IN THE MATTER OF:

IRA MARIE PALERO,

Employee,

vs.

OFFICE OF PUBLIC AUDITOR,

Management.

POST AUDIT  
CASE NO. 16-PA01

JUDGMENT OF DISMISSAL  
WITHOUT PREJUDICE

33-16-1693

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

Date: 06/08/16

Time: 2:15pm

Received By: [Signature]

**I.**  
**INTRODUCTION**

This matter originally came before the Civil Service Commission (CSC) for a Hearing on April 26, and May 10, 2016. Present at both hearings was Yuka Hechnova for Management.

**II.**  
**JURISDICTION**

The jurisdiction of the Civil Service Commission is based upon the Organic Act of Guam, 4 G.C.A., §§ 4401, et seq., particularly § 4403(e), and 1 G.C.A. § 1907(c).

*Office of Speaker The Speaker*

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**III.**  
**FACTS AND RELEVANT LAW**

2 On March 29, 2016, Ms Doris Flores Brooks, the Public Auditor of Guam requested a  
3 Post Audit review of their recruitment action for Auditor I, pursuant to 1 G.C.A. §1907(c).

4

5 1 G.C.A. §1907(c) states in relevant part:

6 *(c) Upon appointment by the Public Auditor, such persons shall be*  
7 *probationary employees in the classified service until their qualifications*  
8 *have been verified and confirmed in writing by the Civil Service*  
9 *Commission in accordance with Title 4 GCA, Chapter 4, §4403 (e), or up*  
10 *to one hundred eighty (180) days upon employment, whichever comes*  
11 *first...*

12

13 4 G.C.A. §4403(e) states in relevant part:

14 *(e) It shall conduct reviews of notices of personnel actions of employees*  
15 *from the classified services...*

16 At the hearing on April 26, 2016, Management testified as to the current state of Ms.  
17 Palero's employment. Apparently the Department of Administration ("DOA") took umbrage  
18 with the use of 1 G.C.A. § 1907 and both DOA and the Public Auditor have sought guidance  
19 from the Attorney General's Office on how to proceed. As such, the Public Auditor has not  
20 actually employed Ms. Palero yet, as Management is awaiting guidance from the Attorney  
21 General's Office. Thus, there is no personnel action at this time for the Commission to review  
22 pursuant to 4 G.C.A. §4403(e) & 1 G.C.A. §1907(c). Therefore, dismissal without prejudice is  
23 appropriate.


24


**IV.**  
**CONCLUSION**

25 Since there is no personnel action for the Commission to review, the Commission voted  
unanimously to dismiss this case without prejudice. If Ms. Palero is eventually hired pursuant to  
1 G.C.A. §1907(c), then the Public Auditor is free to request a 4 G.C.A. §4403(e) at that time.

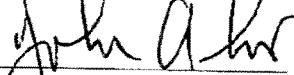
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1 SO ADJUDGED THIS 7th DAY OF June 2016.

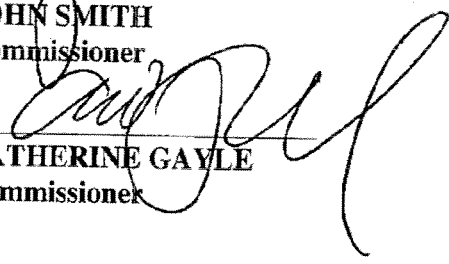
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3 **EDITH PANGELINAN**  
Chairperson

  
**DANIEL D. LEON GUERRERO**  
Vice-Chairperson

4 Not present  
5 **PRISCILLA T. TUNCAP**  
Commissioner

  
6 **JOHN SMITH**  
Commissioner

7   
**LOU HONGYEE**  
Commissioner

  
8 **CATHERINE GAYLE**  
Commissioner

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