



BEFORE THE
GUAM CIVIL SERVICE COMMISSION
BOARD OF COMMISSIONERS



IN THE MATTER OF:

DANIEL T.C. SANTOS,

Employee,

vs.

GUAM INTERNATIONAL AIRPORT
AUTHORITY,

Management.

GRIEVANCE APPEAL
CASE NO. 16-GRE01

DECISION AND JUDGMENT

THIS MATTER CAME before the Civil Service Commission ("Commission") for a motion hearing on November 29, 2016. Present for the Management of the A.B. Won Pat International Airport Authority, Guam ("GIAA" or "Management") was Pedro Roy Martinez along with GIAA legal counsel Janalynn Cruz Damian of Calvo Fisher & Jacob LLP. Present for the employee, Daniel T.C. Santos ("Mr. Santos" or "Employee"), was his lay representative Juan K. Calvo.

I. ISSUE

Whether Employee's Motion for Reconsideration and to Hear Grievant's Timeline as Evidenced by the CSC Decision and Judgment Issued on November 3, 2016 and to Hear the Merits of the Case ("Motion") should be granted.

II. JURISDICTION

The Commission has jurisdiction over Employee's Motion under general principles allowing administrative agencies to review their decisions.

ORIGINAL

III. BACKGROUND FACTS

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2 On March 21, 2016, Mr. Santos filed his Notice of Appeal of the Grievance Review Board's
3 ("GRB") decision. On June 29, 2016, a hearing was held on Mr. Santos's grievance appeal. The
4 Commission, by a vote of 5-0 sustained Management's objection that the Commission does not have
5 jurisdiction to hear Mr. Santos's Grievance Appeal issue No. 3, and that the Commission's
6 jurisdiction is to determine the timeliness of Mr. Santos's grievance appeal. The Commission, by a
7 vote of 3-2 in favor of GIAA, ratified the findings and recommendations of the Step 4 GRB that Mr.
8 Santos's grievance was untimely. On November 3, 2016, the Decision and Judgment was approved.

9 On November 10, 2016, Mr. Santos filed his Motion. GIAA filed an opposition on November
10 22, 2016. The hearing on Employee's Motion was held on November 29, 2016.

IV. FINDINGS AND ANALYSIS

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13 The Commission determined that the Commission's reconsideration of the Decision and
14 Judgment is strictly limited to the untimeliness of the grievance. The Commission further found that
15 Employee has presented no new arguments or evidence to show that his grievance was timely.

V. HOLDING

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18 By a vote of 4-2, the Commission determined that Employee has not met his burden and
19 Employee's Motion is denied.


VI. CONCLUSION

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22 Based on the foregoing, the Commission denies Mr. Santos's requests for reconsideration to
23 hear Mr. Santos's timeline as evidenced by CSC's Decision and Judgment issued on November 3,
24 2016, and to hear the merits of the case.

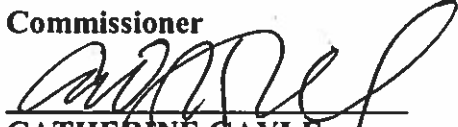
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2 SO ORDERED this 17th day of January, 2017 *nunc pro tunc* to November 29,
3 2016.

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5 **EDITH PANGELINAN**
6 **Chairperson**

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5 **LOURDES HONGYEE**
6 **Vice Chairperson**

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7 **PRISCILLA T. TUNCAP**
8 **Commissioner**

6 Not present
7 **JOHN SMITH**
8 **Commissioner**

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9 **CATHERINE GAYLE**
10 **Commissioner**

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9 **MICHAEL G. TOPASNA**
10 **Commissioner**