



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



IN THE MATTER OF:

EDDIE CASTRO,

Employee,

vs.

PORT AUTHORITY OF GUAM,

Management.

**ADVERSE ACTION APPEAL
CASE NO.: 13-AA13T SP**

DECISION AND JUDGMENT

INTRODUCTION

This matter came before the Commission April 4, 2019, on remand from the Superior Court of Guam SP0072-16. Commissioners present were Luis R. Baza, Lourdes Hongyee, John Smith, and Priscilla T. Tuncap. Also present were Eddie Castro with his attorney, William Pole, and Attorney Michael Phillips representing Port Authority of Guam (Port).

BACKGROUND

Eddie Castro (Castro) was terminated April 5, 2013 for refusal or failure to perform prescribed duties and responsibilities, falsification of records, and insubordination. He filed his appeal to the Commission. The Commission following a hearing on the merits modified the termination to a demotion to the position of "guard." The position of "guard" does not exist at the Port Authority of Guam (Port). The matter was appealed to the Superior Court

DECISION AND JUDGMENT


Eddie Castro vs. Port Authority of Guam
Adverse Action Appeal Case No.: 13-AA13T SP

1 which remanded the case back to the Commission to determine (1) whether the Commission
2 shall uphold its modification of the Port's adverse action despite that the position of "guard"
3 does not exist, and (2) based on its decision on REMAND whether to proceed with the
4 modification. The Commission shall further determine whether Castro has prevailed for the
5 purposes of awarding attorney fees.

6 **CONCLUSION**


7 After hearing arguments from the parties, and discussion, the Commission voted 4 to 0
8 to modify its prior ruling from demotion to termination. The termination of the employee by
9 the Port is affirmed.

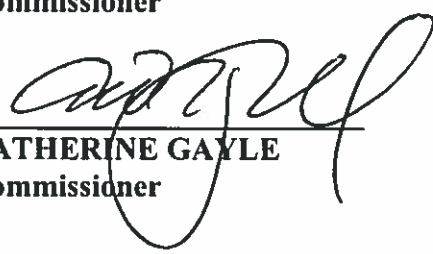
10 SO ADJUDGED THIS 18th day of July 2019.

11 
12 LUIS R. BAZA
13 Chairperson

14 
15 JUAN K. CALVO
16 Vice-Chairperson

17 
18 PRISCILLA T. TUNCAP
19 Commissioner

20 
21 JOHN SMITH
22 Commissioner

23 
24 CATHERINE GAYLE
25 Commissioner

Transmission Report


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CIVIL SERVICE COMMISSION

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BOARD OF COMMISSIONERS**



<p>IN THE MATTER OF:</p> <p>EDDIE CASTRO,</p> <p style="padding-left: 40px;">Employee,</p> <p style="text-align: center;">vs.</p> <p>PORT AUTHORITY OF GUAM,</p> <p style="padding-left: 40px;">Management.</p>	<p>ADVERSE ACTION APPEAL CASE NO.: 13-AA13T SP</p> <p>DECISION AND JUDGMENT</p>
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Abbreviations:

HS: Host send	PL: Polled local	MP: Mailbox print	CP: Completed	TS: Terminated by system
HR: Host receive	PR: Polled remote	RP: Report	FA: Fall	G3: Group 3
WS: Waiting send	MS: Mailbox save	FF: Fax Forward	TU: Terminated by user	EC: Error Correct



Susan Corbin <susan.corbin@csc.guam.gov>

Civil Service Commission Judgments

1 message

Susan Corbin <susan.corbin@csc.guam.gov>

Fri, Jul 19, 2019 at 10:54 AM

To: Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>

Hafa Adai Senator Shelton: Please find attached judgments executed by the Civil Service Commission in its meeting of July 18, 2019. This is mandated under 4 GCA, Section 4403. Thank you.

Si Yu'os Ma'ásé

Susan Corbin

Legal Secretary

Civil Service Commission

Tel: 647-1855

**Civil Service Commission Judgments-July-18-2019.pdf**

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