



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



<p>IN THE MATTER OF:</p> <p>ERIC S.N. SANTOS,</p> <p style="text-align: center;">Employee,</p> <p style="text-align: center;">vs.</p> <p>DEPARTMENT OF CORRECTIONS,</p> <p style="text-align: center;">Management.</p>	<p>ADVERSE ACTION APPEAL CASE NO.: 18-AA12S</p> <p>DECISION AND ORDER</p>
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1 This matter came before the Commission on May 30, 2019 on Management’s
2 multiple motions. Commissioners present were Luis R. Baza, Juan K. Calvo, John Smith,
3 and Catherine Gayle. Appearing for Department of Corrections was Assistant Attorney
4 General Donna Lawrence and Department of Corrections Deputy Director, Joey Terlaje.
5 Also present were the Employee, Eric S.N. Santos with his representative, Daniel Del
6 Priore. Management’s moved to establish the burden of proof to be “substantial” based on
7 the allegation that the alleged misconduct constituted a crime. By a vote of 4-0, the
8 Commission agreed to watch the 37-second video of the incident. After viewing the video

9
DECISION AND ORDER
Eric S.N. Santos vs. Department of Corrections
Adverse Action Case No. 18-AA12S

1 and hearing argument, the Commission voted 4 to 0 that Management's burden of proof
2 would be "clear and convincing," because the conduct alleged did not rise to the level of a
3 crime. It was aggressive behavior, unprofessional, shouting insults; in short, the allegations
4 amounted to insubordination, but did not rise to a level which would constitute a crime.

5 Management moved to be allowed to call the Employee first. The
6 Commission's standing policy is to require the Employee to testify last. This issue is
7 currently pending in the Supreme Court of Guam in the Case of Mark Charfaurous vs.
8 Guam Police Department. The Commission maintains its authority to control the order of
9 the presentation of testimony at hearings. The motion is denied.

10 Management moved to allow it to present testimony without time limits. The
11 Commission has to control its docket and as the trier-of-fact must control the length of the
12 hearing to encourage litigants to present their cases efficiently and avoid time wasting with
13 redundancy. The motion is denied.

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DECISION AND ORDER
Eric S.N. Santos vs. Department of Corrections
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1 Management moved to have the Commission determine that Articles 1 and 2 of the
2 Administrative Adjudicate Law do not apply to procedures and hearings before the Civil
3 Service Commission. The Commission chose not to respond to this request as it is
4 unrelated to determining the merits of this case.

5 SO ADJUDGED THIS 9th day of July, 2019.



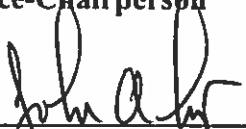
LUIS R. BAZA
Chairperson



JUAN K. CALVO
Vice-Chairperson



PRISCILLA T. TUNCAP
Commissioner



JOHN SMITH
Commissioner

(absent)

CATHERINE GAYLE
Commissioner

DECISION AND ORDER

Eric S.N. Santos vs. Department of Corrections
Adverse Action Case No. 18-AA12S

Transmission Report

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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>

Wed, Jul 10, 2019 at 2:02 PM

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

Hafa Adai Senator Shelton: Please find attached the judgments executed by the Civil Service Commission in its meeting of July 9, 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 of July 9, 2019.pdf

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