This matter came before the Commission on May 30, 2019 on Management’s multiple motions. Commissioners present were Luis R. Baza, Juan K. Calvo, John Smith, and Catherine Gayle. Appearing for Department of Corrections was Assistant Attorney General Donna Lawrence and Department of Corrections Deputy Director, Joey Terlaje. Also present were the Employee, Eric S.N. Santos with his representative, Daniel Del Priore. Management’s moved to establish the burden of proof to be “substantial” based on the allegation that the alleged misconduct constituted a crime. By a vote of 4-0, the Commission agreed to watch the 37-second video of the incident. After viewing the video

DECISION AND ORDER
Eric S.N. Santos vs. Department of Corrections
Adverse Action Case No. 18-AA12S
and hearing argument, the Commission voted 4 to 0 that Management’s burden of proof
would be “clear and convincing,” because the conduct alleged did not rise to the level of a
crime. It was aggressive behavior, unprofessional, shouting insults; in short, the allegations
amounted to insubordination, but did not rise to a level which would constitute a crime.

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

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

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DECISION AND ORDER
Eric S.N. Santos vs. Department of Corrections
Adverse Action Case No. 18-AA12S
Management moved to have the Commission determine that Articles 1 and 2 of the Administrative Adjudicate Law do not apply to procedures and hearings before the Civil Service Commission. The Commission chose not to respond to this request as it is unrelated to determining the merits of this case.

SO ADJUDGED THIS 9th day of July, 2019.

LUIS R. BAZA
Chairperson

JUAN K. CALVO
Vice-Chairperson

PRISCILLA T. TUNCAP
Commissioner

JOHN SMITH
Commissioner

(a absent)
CATHERINE GAYLE
Commissioner

DECISION AND ORDER
Eric S.N. Santos vs. Department of Corrections
Adverse Action Case No. 18-AA12S
BEFORE THE
GUAM CIVIL SERVICE COMMISSION
BOARD OF COMMISSIONERS

IN THE MATTER OF:
ERIC S.N. SANTOS,
Employee,

vs.

DEPARTMENT OF CORRECTIONS,
Management.

ADVERSE ACTION APPEAL
CASE NO.: 18-AA12S

DECISION AND
ORDER

This matter came before the Commission on May 30, 2019 on Management's multiple motions. Commissioners present were Luis R. Beza, Juan K. Calvo, John Smith, and Catherine Gayle. Appearing for Department of Corrections was Assistant Attorney General Donna Lawrence and Department of Corrections Deputy Director, Joey Terlaje. Also present were the Employee, Eric S.N. Santos with his representative, Daniel Del Priore. Management's moved to establish the burden of proof to be "substantial" based on the allegation that the alleged misconduct constituted a crime. By a vote of 4-0, the Commission agreed to watch the 37-second video of the incident. After viewing the video

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

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'åsé
Susan Corbin
Legal Secretary
Civil Service Commission
Tel: 647-1855

Civil Service Commission Judgments of July 9, 2019.pdf
335K