



BEFORE THE
GUAM CIVIL SERVICE COMMISSION
BOARD OF COMMISSIONERS



IN THE MATTER OF:

EDDY TAITAGUE PEREZ,

Employee,

vs.

DEPARTMENT OF CORRECTIONS,

Management.

ADVERSE ACTION APPEAL
CASE NO. 14-AA09T

DECISION AND JUDGMENT

This case came before the Civil Service Commission at its regularly scheduled meeting on August 26, 2016, at 5:45 p.m., at its office located at Suite 6A, Phase II, Sinajana Complex, 777 Route 4, Sinajana, Guam 96910.

Eddy Taitague Perez ("Employee") was not present, but was represented by Mr. David Babauta of the Guam Federation of Teachers. Present for Management was the Director of the Department of Corrections, represented by Assistant Attorney General Monty R. May.

I.
JURISDICTION

The jurisdiction of the Civil Service Commission is based upon the Organic Act of Guam, 4 G.C.A. § 4401-4411, and the Department of Administration Personnel Rules and Regulations.

ORIGINAL

II.
FINDINGS

1. The Employee was employed by the Department of Corrections Officer I.
2. On March 22, 2014 and April 2, 2014, respectively, the Department issued a Proposed Notice of Adverse Action and a Final Notice of Adverse Action terminating the Employment of the Employee.
3. The Employee timely filed an appeal to the Commission on April 17, 2014.
4. Several Status Hearings were held thereafter. On July 16, 2015, the Employee's representative stated that he could not locate the Employee. Thereafter the Department gave all the contact information that it had to the Representative.
5. On August 3, 2016, Employee's Representative filed a Motion to Withdraw in which he declared that the Employee had failed to maintain communication with his Representative. Representative orally stated his office could not locate the Employee using any available information.


III.
CONCLUSIONS OF LAW

1. The Commission may dismiss an appeal for an unexcused failure to appear at a Motion Hearing. CSC AA R. 9.5 & R. 9.6.
2. Every employee is responsible for notifying his Representative of any changes of address or other contact information. Notice of the hearing to the Representative on Management's Motion to Dismiss was constructive notice to the Employee of the hearing on the Motion. *See* CSC AA R.6.
3. The Employee inexcusably failed to appear at the Motion Hearing in this case.

IV.
DECISION

By a vote of 5 to 0, the Commission voted to dismiss the Appeal of the Employee in this case.

SO ADJUDGED THIS 11th DAY OF October 2016.




EDITH PANGELINAN
Chairperson

Not Present

DANIEL D. LEON GUERRERO
Vice-Chairperson



PRISCILLA T. TUNCA
Commissioner



JOHN SMITH
Commissioner



LOURDES HONGYEE
Commissioner



CATHERINE GAYLE
Commissioner