



BEFORE THE
GUAM CIVIL SERVICE COMMISSION
BOARD OF COMMISSIONERS



ADVERSE ACTION APPEAL
CASE NO. 12-AA02S

IN THE MATTER OF:

ERIC S.N. SANTOS,

Employee,

vs.

DEPARTMENT OF CORRECTIONS,

Management.

DECISION AND
JUDGMENT

I.

INTRODUCTION

This matter came before the Civil Service Commission for a hearing on the merits on April 21, April 26, April 28, May 3 and May 5, 2016. Present were the employee and his representative, David Babauta; and Assistant Attorney General David J. Highsmith and the Director of the Department of Corrections, Jose San Agustin. The six members of the Commission were also present: Chairperson Edith Pangelinan, Catherine Gayle, John Smith, Priscilla Tuncap, Lourdes Hongyee, and Vice-Chairperson Danny Leon Guerrero. The Commission heard oral testimony, examined documentary evidence, and then deliberated. The Commission upheld the Adverse Action by a 6-0 vote, but pursuant to 4 G.C.A. 4406,

1 and a 5-1 vote, reduced the period of the employee's suspension from thirty (30) days to
2 twenty (20) days. The Commission makes the following findings.

3 **II.**

4 **JURISDICTION**

5 The jurisdiction of the Civil Service Commission is based upon the Organic Act of
6 Guam, 4 G.C.A. §§ 4401, *et seq.*, and relevant Personnel Rules and Regulations.

7 **III.**

8 **FACTS**

9 1. On November 1, 2011, the employee, Eric S.N. Santos, was employed as a
10 Corrections Officer I at the Department of Corrections.

11 2. On November 1, 2011, the employee telephoned Corrections Officer
12 Melvin Pangelinan to obtain the phone number of a person who had allegedly heckled the
13 employee at a mixed martial arts fight at the University of Guam fieldhouse a few days
14 earlier. It is not certain what was said by whom or to whom at the fieldhouse. Thus, the
15 employee initiated the confrontation described below.

16 3. The employee and this person, Mr. Shaolin Tereas, spoke on the phone
17 and agreed to meet at a quarry near Marbo Cave later that day with the intention of having a
18 confrontation.

19 4. On November 1, 2011, the employee rode in an automobile with at least
20 one other person and possibly others to said quarry knowing that a fight might ensue.

21 5. The Tereas family owns and operates said quarry and Mr. Jeffrey Tereas,
22 the oldest brother, is the manager.

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1 15. In light of the policy of progressive discipline, and the fact that the
2 employee caused no physical injury or property damage, the Commission, pursuant to 4
3 G.C.A. 4406, hereby reduces the suspension imposed on the employee from thirty (30) days
4 to twenty (20) days.

5 16. Except for the reduction in the suspension, the Adverse Action taken
6 against the employee remains in full force and effect.

7 17. The Director of Corrections shall modify all documents in the employee's
8 personnel file pertaining to the Adverse Action to conform to this judgment and shall ensure
9 that the employee is paid for the ten (10) days of work he would have worked during the
10 period of his suspension.

11 18. The Commission strongly recommends that the employee undergo Anger
12 Management counseling.

13 19. The Commission upheld the Adverse Action by a 6-0 vote, but pursuant to
14 4 G.C.A. 4406, and a 5-1 vote, reduced the period of the employee's suspension from thirty
15 (30) days to twenty (20) days.

16 SO ADJUDGED THIS 14th DAY OF July 2016.

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20 **EDITH PANGELINAN**
21 **Chairperson**

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20 **DANIEL D. LEON GUERRERO**
21 **Vice-Chairperson**

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23 **PRISCILLA T. TUNCAP**
24 **Commissioner**

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23 **JOHN SMITH**
24 **Commissioner**

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25 **LOURDES HONGYEE**
Commissioner

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25 **CATHERINE GAYLE**
Commissioner