



BEFORE THE
GUAM CIVIL SERVICE COMMISSION
BOARD OF COMMISSIONERS



IN THE MATTER OF:

JOSETTE JAVELOSA,

Employee,

vs.

PORT AUTHORITY OF GUAM,

Management.

ADVERSE ACTION APPEAL
CASE NO. 13-AA01T

DECISION AND JUDGMENT

I.
INTRODUCTION

This matter came before the Civil Service Commission for a hearing on the merits on the following dates:

August 26, 27 and 28, 2014

September 3, 4, and 8, 2014

Present at the hearings were Josette Javelosa, who was represented by John C. Terlaje.

Present for the Port Authority of Guam ("PAG") was Mike Phillips, legal counsel, and

Joann Brown for PAG Management.

II.
JURISDICTION

The Civil Service Commission has jurisdiction over this matter pursuant to 4 GCA § 4403 and the PAG personnel rules and regulations.

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III.
FACTS


The PAG terminated Javelosa on December 18, 2012. Javelosa filed an appeal with the Civil Service Commission on January 3, 2013. The parties presented their cases to the Civil Service Commission on August 26, 27, 28 and September 2, 3, 4 and 8, 2014. Based on the facts proven, PAG failed to meet its burden of proving its actions against Javelosa were correct.

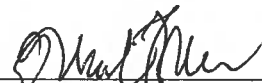
IV.
CONCLUSION


The Civil Service Commission ruled by vote of 4-3 in favor of Javelosa. Four (4) of the commissioners found that the PAG failed to meet its burden of proof that the action taken against Javelosa was correct. Three (3) of the commissioners ruled in favor of Management, finding that the PAG adverse action against Javelosa was excessive and ruled for Modification of Adverse Action. Therefore, the adverse action taken against Javelosa is null and void.

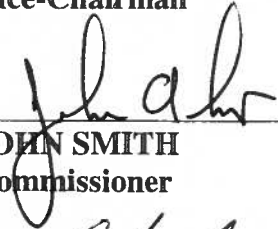
The PAG is hereby ORDERED to immediately reinstate Javelosa to her prior position of employment. The PAG is FURTHER ORDERED to fully compensate Javelosa for all time following her termination on December 18, 2012 until the date that she is reinstated including, but not limited to, salary and benefits, sick and annual leave, retirement benefits, and all other benefits due and owed to Javelosa under Guam law. Finally, the PAG is ORDERED to pay the attorney's fees incurred by Javelosa during this appeal in the amount of \$28,437.50 within 30 days of this judgment.

IT IS SO ORDERED THIS 30th DAY OF September 2014 *nunc pro tunc to September 9, 2014.*

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LUIS R. BAZA
Chairman


MANUEL R. PINAUIN
Vice-Chairman

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4 PRISCILLA T. TUNCAP
Commissioner


JOHN SMITH
Commissioner

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LOU HONGYEE
Commissioner


DANIEL D. LEON GUERRERO
Commissioner

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9 EDITH C. PANGELINAN
Commissioner

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