



BEFORE THE  
GUAM CIVIL SERVICE COMMISSION  
BOARD OF COMMISSIONERS



IN THE MATTER OF:

MARY B. NOLTE,

Employee,

vs.

DEPARTMENT OF EDUCATION,  
Management.

GRIEVANCE APPEAL  
CASE NO. 11-GRE-06

DECISION AND JUDGMENT

The above-captioned matter came before the Civil Service Commission (the "Commission") during the March 29, 2016 Motion Hearing regarding the Guam Department of Education's ("GDOE") Motion to Dismiss, received by the Commission on October 20, 2015.

Present during the Motion Hearing were Guam Federation of Teachers ("GFT") lay representative Dave Babauta on behalf of Employee; and Guam Department of Education ("GDOE") Legal Counsel Jesse N. Nasis on behalf of Management.

After hearing from the parties on this matter, the Commission by a majority vote of five (5) Commissioners, granted GDOE's motion to dismiss the above-captioned Grievance Appeal Case in its entirety with prejudice, because the Commission lacked jurisdiction to hear Employee's grievance. Specifically, on October 20, 2015, GDOE filed its Motion to Dismiss, asserting that Employee failed to present her Step 3 Grievance within the time required by Section 909.701(D) of the GDOE Personnel Rules, and that such failure warranted termination of her grievance under

1 Section 909.406(B) of the GDOE Personnel Rules, among other arguments. The Commission  
2 agreed with GDOE and determined that Employee failed to comply with GDOE Personnel Rules,  
3 which failure deprived the Commission of jurisdiction to hear Employee's grievance.

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5 SO ADJUDGED THIS 20th day of June 2016.

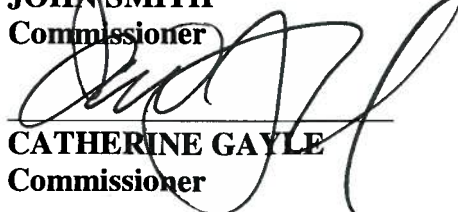
6   
7 **EDITH PANGELINAN**  
Chairperson

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9 **DANIEL LEON GUERRERO**  
Vice-Chairperson

10 not present  
11 **PRISCILLA T. TUNCAP**  
Commissioner

12   
13 **JOHN SMITH**  
Commissioner

14   
15 **LOURDES HONGYEE**  
Commissioner

16   
17 **CATHERINE GAYLE**  
Commissioner