



BEFORE THE
GUAM CIVIL SERVICE COMMISSION



IN THE MATTER OF:

MICHAEL L. TAIJERON,

Employee,

vs.

DEPARTMENT OF CORRECTIONS,

Management.

ADVERSE ACTION APPEAL
CASE NO. 13-AA14T

DECISION AND ORDER

This case came before the Civil Service Commission at its regularly scheduled meeting of December 17, 2013, at its office located in Sinajana, Guam for hearing on a Motion to Revoke for Procedural Defect (e.g. violation of 4 G.C.A. §4406 (“the sixty day rule”)) (“Motion”). Employee Michael L. Taijeron (“Taijeron”) was present with his attorney, Daniel Somerfleck. Present for Management were Department of Corrections Director Jose San Agustin and Assistant Attorney General Donna Lawrence.

I. JURISDICTION

The jurisdiction of the Civil Service Commission is based upon the Organic Act of Guam 4 G.C.A. 4401 *et seq.* and the Department of Administration’s Personnel Rules and Regulations.

II. ISSUE

Did Management violate 4 G.C.A. §4406 by exceeding the sixty day time limitation in which to take adverse action?

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III. HOLDING

No, after considering the documents submitted and the oral arguments, by a vote of 5-1, the Commission determined that there was not sufficient evidence presented to establish that there was a violation of sixty day time limit. The Commission therefore denied Taijeron's Motion. It was determined that Taijeron, as the moving party, had not satisfied his burden.

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III. FACTUAL BACKGROUND AND DISCUSSION

Taijeron received the Notice of Proposed Adverse Action in this case on March 20, 2013. Taijeron responded orally to the charges to Director San Agustin on March 29, 2013. Taijeron received a Notice of Final Adverse Action terminating his employment with the Department of Corrections as a Correction Officer I, effective April 2, 2013. Taijeron subsequently filed this appeal of his termination.

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On November 14, 2013, Taijeron filed this Motion. On November 19, 2013, Management filed its opposition with accompanying exhibits. Included among the exhibits were the Notice of Final Adverse Action along with two written orders to Taijeron to prepare a detailed written statement, in addition to a copy of the written statement submitted by Taijeron to Management on February 4, 2013.

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After reviewing the documents submitted and hearing the arguments of counsel, the Commission found that Taijeron had not meet his burden of proof relating to this Motion.

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V. CONCLUSION

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By a vote of 5-1, the Commission denies employee's Motion to Revoke for Procedural Defect (e.g. violation of 4 GCA § 4406 the "60 day rule"). This matter shall now proceed to a hearing on the Merits.

SO ORDERED THIS 13th DAY OF February 2014 as determined by a vote of

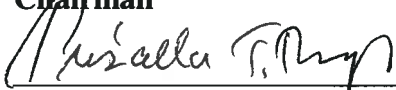
5-1 on December 17, 2013.



LUIS R. BAZA
Chairman



MANUEL R. PINAUIN
Vice-Chairman



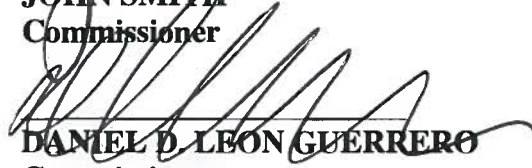
PRISCILLA T. TUNCAP
Commissioner



JOHN SMITH
Commissioner



LOURDES HONGYEE
Commissioner



DANIEL D. LEON GUERRERO
Commissioner



EDITH C. PANGELINAN
Commissioner