



**BEFORE THE  
GUAM CIVIL SERVICE COMMISSION  
BOARD OF COMMISSIONERS**



**IN THE MATTER OF:**

**THERESE F.N. SANCHEZ,**

**Employee,**

**vs.**

**DEPARTMENT OF EDUCATION,**

**Management.**

**GRIEVANCE APPEAL  
CASE NO.: 18-GRE15**

**DECISION AND JUDGMENT**

**INTRODUCTION**

The above-captioned matter came before the Guam Civil Service Commission (the "CSC") during the April 4, 2019 Motion Hearing regarding Management Guam Department of Education's ("GDOE") Motion to Dismiss, received by the CSC on February 7, 2019. Employee Therese Sanchez filed her opposition to GDOE's motion on February 21, 2019. After due deliberation without oral argument, the CSC found that it did not have jurisdiction over Employee's Grievance, and voted unanimously in favor of GDOE; thereby granting GDOE's Motion to Dismiss Employee's Grievance.

**DECISION AND JUDGMENT**

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**II.**

**JURISDICTION**

The jurisdiction of the Guam Civil Service Commission is based upon the Organic Act of Guam, Title 4 Guam Code Annotated (“GCA”) §§ 4401, *et seq.*, and relevant GDOE Personnel Rules and Regulations.

**III.**

**RELEVANT FACTS**

On September 14, 2018, Employee sent an e-mail to her immediate supervisors, stating:

As you both may know, DOE [Guam Department of Education] has recently stepped in to block my workers compensation benefits due to me from my August 13, 2015, work injury. Per DOA rule 12.505 (A), I am respectfully presenting my grievance to you both as my immediate supervisors. I am requesting that DOE rescind any objections to my right to pursue my right to receive my workers compensation benefits under 22 GCA, Chapter 9. Thank you!

As stated in her September 14 e-mail, Employee’s claim for workers compensation benefits is covered under the provisions of 22 GCA, Chapter 9, which provides the Worker’s Compensation Commission (“WCC”) with exclusive jurisdiction over Employee’s claim. Guam law does not give the CSC any jurisdiction over Employee’s workers compensation claim.

The WCC had earlier conducted a formal hearing on August 30, 2018 to hear Employee’s claim for workers compensation benefits. And, GDOE was permitted under the provisions of 22 GCA, Chapter 9 to present evidence regarding Employee’s claim at the August 30 hearing.

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1 In addition, the WCC gave Employee the opportunity to submit a written brief  
2 regarding her claim for workers compensation benefits, and Employee did submit her written  
3 brief.

4 At this time, the WCC is currently handling Employee's claim.

5 IV.

6 ANALYSIS

7 Title 4 GCA § 4403(c) states:

8 The [Civil Service] Commission has the following duties, powers and  
9 responsibilities: ... (c) To hear appeals of furloughs, lay-offs, grievance  
10 complaints, and Equal Employment Opportunity complaints of an employee  
11 from the classified service if such right of appeal to the Commission is  
12 established in the personnel rules governing the employee.

11 Title 22 GCA, Chapter 9 covers "Worker's Compensation."

12 Title 22 GCA, § 9104(a) states in part that "Compensation shall be payable under this  
13 Title in case of disability or death of an employee[.]"

14 Title 22 GCA, § 9106 also states in part that "[t]he liability of an employer prescribed  
15 in § 9104 shall be exclusive and in place of all other liability of such employer to the  
16 employee[.]"

17 Title 22 GCA, § 9141(a) further states in part that "Except as otherwise specifically  
18 provided, the Worker's Compensation Commission shall administer the provisions of this  
19 Title[.]"

20 Here, GDOE filed its Motion to Dismiss on February 7, 2019, asserting the following,  
21 among other information:

22 1) The CSC does not have jurisdiction over Employee's claim for workers  
23 compensation benefits; and

1           2) Employee's failure to comply with GDOE Personnel Rules deprived the CSC of  
2 jurisdiction to hear Employee's Grievance, regarding timeliness in the filing of her Grievance.

3           Employee filed her opposition to GDOE's motion on February 21, 2019, asserting the  
4 following, among other information:

5           1) The CSC has jurisdiction over Employee's claim for workers compensation  
6 benefits; and

7           2) Employee complied with GDOE Personnel Rules, regarding timeliness in the filing  
8 of her Grievance.

9           After due deliberation without oral argument, the CSC determined that it did not have  
10 jurisdiction over Employee's Grievance because the CSC does not have jurisdiction over  
11 Employee's claim for workers compensation benefits; and the CSC voted unanimously in favor  
12 of GDOE; thereby granting GDOE's Motion to Dismiss Employee's Grievance.

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24 **DECISION AND JUDGMENT**

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V.

**CONCLUSION**

Accordingly, the CSC after due deliberation determined by unanimous vote of 4 to 0 that it did not have jurisdiction over Employee's Grievance. The Commission therefore finds for Management GDOE, and GDOE's Motion to Dismiss Employee's Grievance is hereby granted.

SO ADJUDGED THIS 9<sup>th</sup> day of July 2019.

Luis R. Baza  
LUIS R. BAZA  
Chairperson

Juan K. Calvo  
JUAN K. CALVO  
Vice-Chairperson

Priscilla T. Tunca  
PRISCILLA T. TUNCA  
Commissioner

John Smith  
JOHN SMITH  
Commissioner

(absent)  
CATHERINE GAYLE  
Commissioner

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**Abbreviations:**

HS: Host send  
HR: Host receive  
WS: Waiting send

PL: Polled local  
PR: Polled remote  
MS: Mailbox save

MP: Mailbox print  
RP: Report  
FF: Fax Forward

CP: Completed  
FA: Fail  
TU: Terminated by user

TS: Terminated by system  
G3: Group 3  
EC: Error Correct



Susan Corbin <susan.corbin@csc.guam.gov>

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## Civil Service Commission Judgments

1 message

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Susan Corbin <susan.corbin@csc.guam.gov>

Wed, Jul 10, 2019 at 2:02 PM

To: Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>

*Hafa Adai Senator Shelton: Please find attached the judgments executed by the Civil Service Commission in its meeting of July 9, 2019. This is mandated under 4 GCA, Section 4403. Thank you.*

**Si Yu'os Ma'ásé**

Susan Corbin

Legal Secretary

Civil Service Commission

Tel: 647-1855

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 **Civil Service Commission Judgments of July 9, 2019.pdf**  
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