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.

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II.

**JURISDICTION**


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

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

IV.

ANALYSIS

Title 4 GCA § 4403(c) states:

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

Title 22 GCA, Chapter 9 covers “Worker’s Compensation.”

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

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

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

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

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

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

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

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

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

After due deliberation without oral argument, the CSC determined that it did not have jurisdiction over Employee’s Grievance because the CSC does not have jurisdiction over Employee’s claim for workers compensation benefits; and the CSC voted unanimously in favor of GDOE; thereby granting GDOE’s Motion to Dismiss Employee’s Grievance.
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 9th day of July 2019.

LUIS R. BAZA
Chairperson

PRISCILLA T. TUNCAP
Commissioner

(absent)

CATHERINE GAYLE
Commissioner

JUAN K. CALVO
Vice-Chairperson

JOHN SMITH
Commissioner

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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'asé
Susan Corbin
Legal Secretary
Civil Service Commission
Tel: 647-1855

Civil Service Commission Judgments of July 9, 2019.pdf
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