



BEFORE THE  
GUAM CIVIL SERVICE COMMISSION  
BOARD OF COMMISSIONERS



IN THE MATTER OF:

TROY MORRISON,

Employee,

vs.

GUAM POLICE DEPARTMENT,  
Management.

ADVERSE ACTION APPEAL  
CASE NO. 09-AA43T

DECISION AND JUDGMENT

This case came before the Civil Service Commission ("Commission") on October 22, 2013 on Guam Police Department's Motion to Dismiss Employee's Appeal with Prejudice ("Motion"). Thomas Fisher, of Fisher & Associates, was present on behalf of Troy Morrison ("Employee").<sup>1</sup> Present for Management were Colonel Maurice Sayama and Assistant Attorney General Donna Lawrence.

**I.  
BACKGROUND**

1. On November 10, 2009, Employee was issued a Notice of Final Adverse Action terminating his employment with the Guam Police Department effective immediately upon service.

2. Employee appealed his termination with the Commission on November 30, 2009. Merit hearing dates were set in this case to be heard in November 2013.

3. On February 21, 2013, Employee died.

<sup>1</sup> Mr. Fisher has indicated at every instance on the record that he was in attendance at Commission status call conferences and meetings on behalf of Employee and the he has not been retained or engaged by Employee's estate to continue the appeal process before the Commission. 1

ORIGINAL

1 4. A status conference was scheduled <sup>28</sup> before ~~the~~ on March 12, 2013, after notice  
2 of Employee's death was given by Mr. Fisher.

3 5. At the status conference on March 12, 2013, all merit hearing dates were vacated,  
4 the matter was stayed for six months, and a further status conference was scheduled before the  
5 Commission on August 21, 2013, to allow Employee's estate to continue with Employee's  
6 appeal if it applied to the Commission.

7 6. Mr. Fisher attended the status conferences on March 12, 2013, and August  
8 21, 2013.

9 7. Management filed this Motion on September 19, 2013. The Motion was served on  
10 Mr. Fisher, and also personally served on Employee's brother, Senator Tommy Morrison (as  
11 requested by Employee's attorney at the August <sup>21</sup>~~27~~, 2013, status conference).

12 8. No response was ever filed with the Commission.

13 **II.**  
**DISCUSSION**

14 CSC AAR No. 12.1 states in pertinent part, "[i]f an Employee dies after he has filed an  
15 appeal of an adverse action taken against him, the appeal shall automatically be stayed for a  
16 period up to six (6) months in order for the Estate of the Employee to apply to the CSC to  
17 continue with the appeal. If the Estate of the Employee does not so apply within six (6) months,  
18 then the appeal shall be dismissed upon a motion by Management . . . ."

19 In the present case, the Estate of the Employee did not apply to the CSC to continue with  
20 the appeal within six (6) months of the Employee's death on February 21, 2013, and/or at any  
21 time. Employee's date of death is undisputed. Moreover, GPD's Motion to Dismiss Appeal  
22 with Prejudice was not opposed by Employee's attorney and/or the Estate.

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**III.  
CONCLUSION**

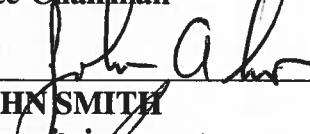
Based upon the pleadings filed and a review of CSC AA R#12.1, the Commission grants Management's Motion to Dismiss by a vote of 6-0.

SO ADJUDGED THIS 5<sup>th</sup> day of December 2013.

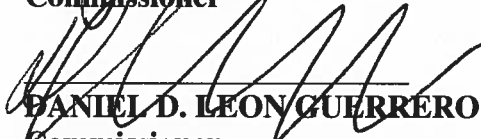
  
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**LUIS R. BAZA**  
Chairman

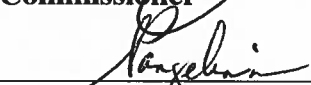
  
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**MANUEL R. PINAUIN**  
Vice-Chairman

  
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**PRISCILLA T. TUNCAP**  
Commissioner

  
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**JOHN SMITH**  
Commissioner

  
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**LOURDES HONGYEE**  
Commissioner

  
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**DANIEL D. LEONGUERRERO**  
Commissioner

  
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**EDITH C. PANGELINAN**  
Commissioner