



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



IN THE MATTER OF:

CHRISTOPHER FLORIG,

Employee,

vs.

GUAM FIRE DEPARTMENT,

Management.

ADVERSE ACTION

APPEAL CASE NO.: 18-AA07T

ORDER AFTER HEARING

This matter came before the Civil Service Commission (Commission) on January 12, 2023, for a continued motion and merit hearing. Present at the motion/merit hearing on January 12, 2023, were Chairman Juan K. Calvo, Vice Chairman Anthony P. Benavente, Commissioner John Smith, Commissioner

ORDER AFTER HEARING

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1 Robert C. Taitano, and Commissioner Francisco T. Guerrero. After inquiry by
2 Chairman Calvo, and statements made by CSC staff, Roland Fejarang, and Janeque
3 Sagun as to recordings provided to Commissioner Guerrero for review on or about
4 January 11, 2023, for the three (3) prior merit hearings held on February 24, 2022,
5 February 25, 2022, and August 23, 2022, Commissioner Guerrero confirmed he had
6 reviewed the recordings and the documents provided to him.

7 Employee was present at the hearing and was represented by Attorney Joshua
8 Walsh. Fire Chief Daniel Stone was present for the Guam Fire Department, who was
9 represented by Assistant Attorney General Donna Lawrence.

10 *Facts/Background*

11 This is the fourth merit hearing held in this adverse action appeal, which was
12 initially scheduled for merit hearings in February, 2020. The actual merit hearings in
13 this case to date were held on *February 24, 2022, February 25, 2022, and August*
14 *23, 2022*. Prior scheduled dates for the merit hearings were vacated by the
15 Commission. This matter was scheduled to be heard on January 10, 2023, at 9:00
16 a.m., but that date was vacated by CSC staff and the parties were advised on January
17 9, 2023, there was no quorum for the January 10, 2023 motion and merit hearing.

18 Prior to January 12, 2023 scheduled motion and merit hearing, the
19 Commissioners signed an Order After Hearing relating to the merit hearing held on
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1 August 23, 2022. The Commissioners voted at the merit hearing held August 23,
2 2022, to allow the parties to present oral motions at a continued hearing. The motion
3 and merit hearing dates were scheduled for January 10, 12, and 17, 2023. The burden
4 of proof has already been determined to be substantial evidence and this burden of
5 proof has been set forth in the Order After Hearing signed or about November, 2019.

6 ***Ruling as to Parties' Oral Motions***

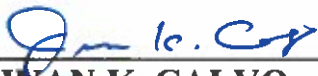
7 The parties argued their respective oral motions. Management presented its
8 two (2) oral motions, its motion to admit Exhibits M1-M268, and its prior motion to
9 correct the Order After Hearing signed on February 17, 2022, from the January 13,
10 2022 motion hearing.

11 The Commission voted ***5 to 0 to admit Management's exhibits M1-M268.***
12 Employee's attorney did not object to the introduction of these exhibits already
13 received by the Commission. Management reserved the ability to argue the pending
14 motions before the Commission on January 13, 2022, that were not mentioned or
15 referenced in the Amended Order After Hearing signed by the Commissioners from
16 the January 13, 2022 motion hearing.

17 Employee argued his oral motion to dismiss before the Commissioners. The
18 Commissioners voted ***4 to 1 to deny Employee's oral motion to dismiss*** or revoke
19 the adverse action. Four (4) Commissioners voted to deny Employee's oral motion
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1 to dismiss or to revoke the adverse action and one (1) Commissioner, Commissioner
2 Taitano, abstained from voting.

3 **SO ORDERED** this 28th day of February, 2023.

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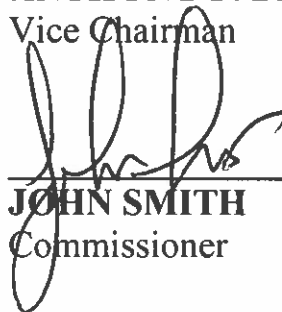
6 **JUAN K. CALVO**
Chairman

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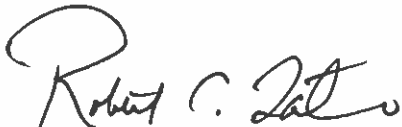
6 **ANTHONY P. BENAVENTE**
Vice Chairman

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8 **PRISCILLA T. TUNCAP**
Commissioner

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8 **JOHN SMITH**
Commissioner

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11 **ROBERT C. TAITANO**
Commissioner

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11 **FRANCISCO T. GUERRERO**
Commissioner