



BEFORE THE
GUAM CIVIL SERVICE COMMISSION
BOARD OF COMMISSIONERS



IN THE MATTER OF:

CHRISTOPHER M. SANTOS,

Employee,

vs.

DEPARTMENT OF CORRECTIONS,

Management.

**ADVERSE ACTION APPEAL
CASE NO.: 20-AA13T**

DECISION AND JUDGMENT

This matter came on to be heard the April 7, 2022 before the Civil Service Commission (Commission) on Management's motion to dismiss. Employee was present with Lay Representative Robert Koss. Major Antoine Aguon appeared for Management with his counsel Assistant Attorney General Donna Lawrence.

Commissioners present were Chairman Juan K. Calvo, Vice Chairman Anthony P. Benavente, Commissioner Priscilla T. Tuncap, Commissioner John Smith and Commissioner Robert Taitano.

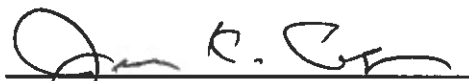
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1 Management moved to dismiss the appeal as untimely. Civil Service
2 Commission Adverse Action Rule 5.2 provides that an appeal from an adverse action
3 must be filed in writing with the Commission within twenty (20) days of the
4 employee's receipt of the Final Notice of Adverse Action (FNAA) from
5 Management. Here the FNAA was served December 14, 2020. The 20th day to file
6 the appeal was January 4, 2021. Employee filed his appeal electronically January 7,
7 2021, three (3) days too late. Employee argues that the 20-day deadline was tolled
8 because Government of Guam was in Pandemic Condition of Readiness 1, and the
9 Government was shut down except for essential services. The Commission voted 4
10 to 1 (Chairman dissenting) to dismiss the appeal as untimely finding that since the
11 appeal could and was filed electronically, the filing deadline was not tolled.

12 **SO ORDERED this 19th day of May, 2022.**

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14 **JUAN K. CALVO**
Chairman

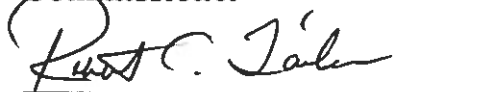
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14 **ANTHONY P. BENAVENTE**
Vice Chairman

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16 **PRISCILLA T. TUNCAP**
Commissioner

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16 **JOHN SMITH**
Commissioner

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18 **ROBERT C. TAITANO**
Commissioner

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