BEFORE THE
CIVIL SERVICE COMMISSION
BOARD OF COMMISSIONERS

IN THE MATTER OF:

ERIC S.N. SANTOS,
Employee,

vs.

DEPARTMENT OF CORRECTIONS,
Management.

ADVERSE ACTION APPEAL
CASE NO.: 18-AA12S

ORDER AFTER HEARING

This matter came before the Civil Service Commission (CSC) on May 19, 2022, for hearing on Administrative Law Judge’s (ALJ’s) Recommendations on Management’s motions. Management appeared with Frank Leon Guerrero and his attorney, AAG Donna Lawrence. Employee appeared with his Lay Representative Robert Koss. Commissioners present were Chairman Juan K. Calvo, Vice
Chairman Anthony P. Benavente, Commissioner Priscilla T. Tuncap, Commissioner John Smith, and Commissioner Robert C. Taitano.

Administrative Law Judge, Eric D. Miller, read his recommendations into the record. The Commission heard arguments from the Parties.

1. Management moved to disqualify Daniel Del Priore, Lay Representative, for Employee. The ALJ recommended the motion be denied. The Commission voted 5 to 0 to accept the recommendation of the ALJ. MOTION DENIED.

2. Management moved to exclude certain Employee Witnesses. The ALJ made a list of witnesses to be allowed or disallowed:

   Witnesses allowed to testify:
   Major A. Aguon
   R.C. Urquizu
   Lt. Aquino Eftino
   B.B. Flores
   P.C. Chinel

   Witnesses not allowed to testify:
   Heather Gogue
   Gilbert Gelang
   Officer J.I. Aguon
   Ronald S.N. Santos
   Sgt. M.S. Sablan
   Former Director Lamorena (already testified)
   Sgt. Usan (already testified)
   PO J.G. Poloo

ORDER AFTER HEARING [ALJ Recommendations on Motions]
Sgt. J.G. Quidachay
Capt. Lizama
PO1 Larry Lorenzo
PO Jessica Sanchez
PO Ian Del Resario [sic]
PO1 M.F. Tudela
Sgt. F. Cruz
J.C. Reyes
PO1 R.F. Sasaki
PO1 J.A. Guzman
R.M. Alingog
Former Warden Crisostomo
PO1 R.D. Leon Guerrero
Inmate Matalona
Daniel Roke

The Commission voted 4 to 1 (Commissioner Tuncap dissenting) to accept the recommendations of the ALJ.

3. There were motions to strike untimely exhibits and witness lists. The ALJ recommended denying all such motions. The Commission voted 4 to 1 (Commissioner Tuncap dissenting) to accept the ALJ recommendations. MOTIONS DENIED.

4. There were motions to strike exhibits. ALJ recommended to let the Commission decide on exhibits at the hearing. The Commission voted 4 to 1 (Commissioner Tuncap dissenting) to accept the recommendation of the ALJ. MOTIONS DENIED.
5. Management moved to require CSC to review the videos of the Merit Hearings before deliberation on the case. ALJ recommended the Commissioners review the videos. The Commission voted 5 to 0 to review the videos. MOTION GRANTED.

6. Management moved to correct the Decision and Order regarding the April 13, 2021 ALJ Hearing on Recommendations. ALJ recommended that the written Decision is correct. Commission voted 5 to 0 to accept the ALJ recommendation. MOTION DENIED.

7. Employee moved to dismiss on the grounds that Management failed to comply with an order allowing Guam Federation of Teachers (GFT) to interview two inmates. ALJ found Management did allow GFT to interview the Department of Corrections inmates. The Commission voted 5 to 0 to deny the motion. MOTION DISMISSED.

8. Employee moved to dismiss on the grounds that Management coerced witnesses. ALJ found no evidence of this allegation and recommended the motion be dismissed. The Commission voted 4 to 1 (Commissioner Tuncap dissenting) to accept the recommendations of the ALJ. MOTION DENIED.

9. Employee moved to sanction Management for deliberately misleading the CSC and the ALJ, and for filing untimely frivolous motions. The ALJ found
insufficient evidence to sanction either Party. The Commission voted 5 to 0 to accept ALJ's recommendation. MOTION DENIED.

SO ORDERED THIS 14th day of July, 2022.

JUAN K. CALVO
Chairman

PRISCILLA T. TUNCAP
Commissioner

ANTHONY P. BENAVENTE
Vice Chairman

JOHN SMITH
Commissioner

FRANCISCO T. GUERRERO
Commissioner

ABSENT

ROBERT C. TAITANO
Commissioner