BEFORE THE
GUAM CIVIL SERVICE COMMISSION
BOARD OF COMMISSIONERS

IN THE MATTER OF:
FRANCIS MANLAPAZ,
Employee,

vs.

GUAM MEMORIAL HOSPITAL AUTHORITY,
Management.

ADVERSE ACTION APPEAL
CASE NO.: 21-AA04T

JUDGMENT OF DISMISSAL

The Civil Service Commission hereby dismisses the above captioned case with prejudice pursuant to the signed Stipulation of Settlement Agreement, attached hereto.

SO ADJUDGED this 15 day of June, 2021.

JUAN K. CALVO
Chairman

JOHN SMITH
Vice Chairman

PRISCILLA T. TUNCAP
Commissioner

EMILIA F. RICE
Commissioner

ANTHONY P. BENAVENTE
Commissioner

ROBERT C. TAITANO
Commissioner

JUDGMENT OF DISMISSAL
Francis Manlapaz vs. Guam Memorial Hospital Authority
Adverse Action Case No.: 21-AA04T

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ERRATA  

Management filed a Stipulation of Settlement and Agreement on Monday, June 7, 2021, indicating the wrong case number. Eliminating the mistake, management files this Errata and alters the Adverse Action Appeal Case from No. 20-AA04T to No. 21-AA04T.

Submitted this 11th day of June, 2021.

OFFICE OF THE ATTORNEY GENERAL  
Leevin Taitano Camacho, Attorney General  

By:  
J. MATTHEW STRADER  
Assistant Attorney General
Office of the Attorney General
Leevin Taitano Camacho
Attorney General of Guam
Solicitor Division
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BEFORE THE CIVIL SERVICE COMMISSION
GOVERNMENT OF GUAM

IN THE MATTER OF:

FRANCIS MANLAPAZ,
Employee,

vs.

GUAM MEMORIAL HOSPITAL
AUTHORITY,
Management.

) ADVERSE ACTION APPEAL
CASE NO. 20-AA04T

) STIPULATION OF
SETTLEMENT AND AGREEMENT

The Guam Memorial Hospital Authority ("Management"), represented by the Office of the
Attorney General, submits this Stipulation of Settlement and Agreement in the above captioned
matter. Due to this Agreement that resolves the dispute between the parties, Management requests
a Judgment of Dismissal.
Dated this 7th day of June, 2021

OFFICE OF THE ATTORNEY GENERAL
Leevin Taitano Camacho, Attorney General

By: J. MATTHEW STRADER
Assistant Attorney General
BEFORE THE CIVIL SERVICE COMMISSION
GOVERNMENT OF GUAM

IN THE MATTER OF:

Francis Manlapaz, Employee,

vs.

Guam Memorial Hospital Authority,

Management.

Adverse Action Appeal,
CASE NO. 21-AA04T

STIPULATION OF SETTLEMENT

TO: THE CIVIL SERVICE COMMISION OF GUAM AND ALL PARTIES.

THIS STIPULATION OF SETTLEMENT AND AGREEMENT is between Francis Manlapaz ("Employee") and Guam Memorial Hospital Authority ("Management").

RECITALS

A. The Employee commenced an appeal against Management in the Civil Service Commission on or about April 10, 2021, bearing Adverse Action Appeal Case No. 21-AA041 and responding to Management’s issuance of a Final Notice of Adverse Action on April 1, 2021, which resulted in terminating Employee.

B. The parties desire to enter into this Settlement Agreement ("Agreement"), which sets forth terms and conditions to resolve the dispute and discharge the Appeal.

C. These terms and conditions shall have legal effect on the date when the parties sign this Agreement.

NOW THEREFORE, in consideration of the mutual promises set forth herein, the parties agree as follows:
1. **Purpose of Agreement.** Employee and Management acknowledge that
this Agreement is a Settlement and Compromise of the referenced matter.
By executing this agreement, the parties intend to resolve all disputes
between them.

2. **Employee’ Obligation.**

2.1 Employee shall withdraw his appeal from the Civil Service
Commission and request that the Commission dismiss his Appeal with
prejudice according to the terms of this Agreement. Employee waives
all right to further appeal.

2.2 Employee agrees that this Settlement Agreement and CSC’s Judgment
of Dismissal, which will rely on the terms of this Agreement, shall
supersede the Notice of Final Adverse Action.

2.3 Employee shall not receive any back pay, compensation, or benefits
as a result of this Agreement.

2.4 Employee shall submit a letter of resignation retroactive to the date of
his termination on April 1, 2021.

2.5 Employee waives all rights known or unknown against Management
as of his signature on this Agreement.

3. **Management’s Obligation.**

3.1 Management shall allow Employee to resign retroactive to the date of
his termination. This Agreement and the CSC’s Judgment of
Dismissal shall supersede the Notice of Final Adverse Action that
terminated Employee. The parties agree that Management will prepare
all documents to effectuate Employee’s resignation within a
reasonable time after receiving Employee’s letter of resignation.
3.2 Management and Employee agree that this settlement does not recognize any wrongdoing by Employee or Management. Rather, it represents a compromise of the adverse action appeal that Employee filed.

3.3 Management shall not owe Employee any backpay, compensation, benefits, attorney's fees, or costs relating to this Agreement, and specifically relating to allowing Employee to resign retroactively.

4. **Performance Accepted.** The parties agree and acknowledge that: (a) the Agreement will operate as a full and complete compromise of any disputed issues between them; and (b) negotiations preceding this settlement shall not constitute admissions by any of the parties.

5. **Independent Advice of Counsel.** Each party represents and declares that it has not relied upon any statement or representation by the other party or of any of its partners, agents, employees, or attorneys in executing this Agreement.

6. **Voluntary Agreement.** Each party represents and declares that it has carefully read this Agreement, that it knows the contents of this Agreement, and that it has chosen to sign this Agreement relying on its own free will.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date written by their respective names.
FOR EMPLOYEE:

Employee

Date: 01/17/2021

Reviewed as to form and content:

Employee representative

FOR MANAGEMENT:

Agency Head

Date: 01/14/2021

Reviewed as to form and content:

Lillian Perez-Posadas, MN, RN

Management Representative
June 7, 2021

TO: Daniel Leon Guerrero,
Executive Director, Civil Service Commission

FROM: Francis G. Manlapaz
Emergency Room Technician

SUBJECT: Letter of withdrawal of Appeal
CSC Case No. 21-AA04T

I would like to withdraw my Adverse Action Appeal case no. 21-AA04T, due to settlement agreement with GMHA Management. A copy of the Stipulation of Settlement is forthcoming from Attorney J. Matthew Strader with the Attorney General’s Office.

Should you have any questions or concerns, please feel free to contact me at 787-5285 or via email at finalapaz1982@gmail.com.

Sincerely,

Francis G. Manlapaz