



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



**IN THE MATTER OF:**

**JOE MARIE SALOMA,**

**Employee,**

**vs.**

**DEPARTMENT OF CORRECTIONS,**

**Management.**

**ADVERSE ACTION APPEAL  
CASE NO.: 19-AA06S**

**DECISION AND JUDGMENT**

This matter came before the Commission for a merit hearing on **June 23, 25, and 30, 2020**, at **5:45 p.m.** at the Commission's regular scheduled meetings.

On June 30, 2020, the Commission heard closing arguments in this case and then deliberated and issued its decision as set forth below. This Decision and Judgment reflects the deliberations and votes of the Commission after review of the evidence and testimony taken on June 23, and June 25, 2020 and closing arguments held on June 30, 2020. Management's exhibits M1-M112 were admitted into evidence prior to the taking of testimony on June 23, 2020.

**DECISION AND JUDGMENT**

*Joe Marie Saloma vs. Department of Corrections*  
Adverse Action Appeal CSC Case No.: 19-AA06S

Page 1 of 8

1 Present for Management during the three (3) merit hearings was AAG  
2 Donna Lawrence and Acting Director Joseph Carbullido. Robert Koss was  
3 present on behalf of Employee, who was also present for all three hearings.

4 Present at the hearing on June 30, 2020, when the Commission  
5 deliberated and rendered its oral decision was Chairman Juan K. Calvo, Vice  
6 Chair John Smith, Commissioner Emilia Rice, and Commissioner Anthony  
7 Benavente. Commissioner Tuncap was not present for the closing arguments  
8 and deliberations, but was present for the hearings on June 23, and June 25,  
9 2020. All commissioners except Commissioner Rice, were present on June  
10 25, 2020.

11 As requested by Chairman Calvo, Commissioner Rice confirmed on the  
12 record on June 30, 2020, that she had received and reviewed the evidence and  
13 testimony from the merit hearing held on June 25, 2020.

#### 14 *Jurisdiction*

15 CSC has jurisdiction to hear adverse action appeals filed by classified  
16 employees under 4 GCA § 4403 (b) involving suspensions, demotions and  
17 terminations of classified employees.

#### 18 *Facts*

19 Employee was personally served with a Notice of Proposed Adverse  
20 Action on September 11, 2019, signed by former Director Samantha Brennan  
21 (Exhibits M1-M16). Employee orally responded to Director Samantha  
22

1 Brennan on September 13, 2019, as set forth in the Notice of Final Adverse  
2 Action at M32.

3 Employee did not have a representative present at this meeting. Also  
4 present at this oral response was the Deputy Director Joey Terlaje, and Internal  
5 Affairs investigators including Mark Fleming.

6 Employee's had ten (10) days to respond to the proposed adverse action  
7 served on September 11, 2019, and answered orally on September 13, 2019.  
8 This ten (10) day period to answer ended on September 21, 2019.

9 Employee chose not to file a written response to the proposed adverse  
10 action as he testified to at the hearing on June 25, 2020.

11 Joseph Carbullido was appointed by the Governor as the Acting Director  
12 of the Department of Corrections on September 26, 2019 (Management's  
13 Exhibit M34).

14 Acting Director Joseph Carbullido suspended Officer Saloma for five  
15 (5) working days pursuant to a Notice of Final Adverse Action dated October  
16 1, 2019, regarding Officer Saloma's conduct and omissions on and after July  
17 25, 2019 as set forth more fully in the Notice of Final Adverse Action (Exhibits  
18 M17-M32). Prior to taking final action, Acting Director Carbullido met with  
19 the IA investigator, considered Employee's oral response to former Director  
20 Brennan (and others present including IA officer Mark Fleming) and reviewed  
21 the investigative file.

22  
23 **DECISION AND JUDGMENT**

24 *Joe Marie Saloma vs. Department of Corrections*  
25 Adverse Action Appeal CSC Case No.: 19-AA06S

1 Employee's personnel file consisted of a thirty (30) day suspension and  
2 a two (2) day suspension prior to the incident on July 25, 2019.

3 Employee filed an adverse action appeal with the Commission on  
4 October 3, 2019, regarding his five (5) day suspension.

5 Management filed multiple charges against Employee set forth in the  
6 proposed and final adverse action and found each of the charges were  
7 supported by its investigation.

8 Mr. Saloma was charged with failing to perform his job duties, failing  
9 to conform to standards of conduct, dishonesty, notoriously disgraceful  
10 conduct, irresponsible and unethical conduct and other charges, including  
11 multiple violations of DOC general orders and rules and violations of DOA  
12 PR&R, including but not limited to, rules as to safety, performance, and  
13 conduct.

14 Management's charges were set forth on pages M28-M31 which  
15 mirrored the same charges set forth against him in the Notice of Proposed  
16 Adverse Action on Exhibits M-12 through M-15.

17 Employee's admitted to his wrongful conduct on September 13, 2019,  
18 before former Director Samantha Brennan, in taped audio interviews with  
19 Internal Affairs' investigator Mark Fleming (Exhibits M21-M22, M27-M28,  
20 and M112), and in an in-person conversation with his Commander Officer  
21 Uson on July 25, 2019, when she saw him at Post 24 after the incident.  
22

23 **DECISION AND JUDGMENT**

24 *Joe Marie Saloma vs. Department of Corrections*  
25 Adverse Action Appeal CSC Case No.: 19-AA06S

1           The Commission finds that Management's action in this case was  
2 correct.

3           Officer's Saloma's written report dated July 26, 2019 (Exhibits M43-  
4 44) support Officer Saloma's wrongful conduct and violations of departmental  
5 rules and policies with which he indicated to Internal Affairs he was familiar.  
6 This incident report confirmed he allowed three (3) inmates to exit the gate  
7 around Post 24 and leave his unit after hours to go down to the welding shop  
8 unescorted and unmonitored on July 25, 2019 per an inmate's request.

9           Officer Saloma also admitted under oath at the hearing on June 25, 2020,  
10 when questioned that he violated multiple DOC and DOA policies. He  
11 admitted he failed to call his shift commander prior to sending the inmates  
12 down to the welding shop after 7:00 pm that date, and that he failed to get her  
13 authorization as required prior to sending down inmates. Officer Saloma  
14 further admitted that he did not contact central control prior to sending the  
15 inmates down to the welding shop. Officer Saloma further testified that inmates  
16 are not to do security checks as that is the duty of correctional officers.

17           On July 25, 2019, Officer JG Quidachay called central control to report  
18 the visitation at Post 24, where Saloma was assigned, was concluded on or  
19 about 19:29 pm (7:29 pm). The blotter confirms this transmission on July 25,  
20 2019, and was admitted as Exhibit M45-M47.

21  
22  
23 **DECISION AND JUDGMENT**

24 *Joe Marie Saloma vs. Department of Corrections*  
25 Adverse Action Appeal CSC Case No.: 19-AA06S

1           Officer Faye Aderiano testified at the hearing on June 23, 2020. She  
2 personally observed suspicious activity behind Officer Quidachay's van just  
3 after he left Post # 24.

4           Officer JG Quidachay reported suspicious movement near the welding  
5 shop to central control and to fellow officer Julie Leon Guerrero on or about  
6 19:32 (7:32 p.m.) on July 25, 2019, after he left Post # 24 with visitors on his  
7 way to the Visitor Processing Center. This is confirmed on the blotter (M45).  
8 Further, Officer JG Quidachay's written report dated July 2019 was admitted  
9 as Exhibits M41-M42, and his statements to internal affairs (M23-24 and M112  
10 audio of JG Quidachay interview) set forth in the adverse action documents,  
11 support the charges against Officer Saloma. Portions of the audio recording  
12 from Officer Quidachay's internal affairs interview was played for the  
13 Commission and which confirmed his statements indicated in the proposed and  
14 final adverse action documents.

15           Statements from Officer JG Quidachay, Office PC Chinel, Officer  
16 Aderiano, Officer Uson, and Officer Leon Guerrero confirm that there is no  
17 authorized inmate movement after 1900 (7 pm) without the approval of the  
18 shift commander and contact with central control. Officer Saloma admitted to  
19 violating these policies and procedures in his testimony on June 25, 2020.

20           On June 25, 2020, Officer Saloma also admitted under oath that he  
21 violated his oath of office and various DOC and DOA departmental policies  
22 and that his violations and conduct on July 25, 2019, caused an institutional

1 lockdown of the facility and further, endangered the safety of fellow officers  
2 and inmates.

3 Officer Saloma was inconsistent in his oral and written statements, and  
4 in his two oral interviews with IA investigator Mark Fleming; namely, as to  
5 whether or not he called his shift commander on his cell phone prior to his  
6 sending the inmates down to the welding shop. Officer Saloma testified at the  
7 hearing that he did not call his shift commander prior to sending the inmates  
8 down.

9 Upon questioning by Chairman Calvo in his testimony on June 25, 2020,  
10 Officer Saloma was also inconsistent with his testimony given that same date  
11 in response to Management's questioning and that of his GFT representative  
12 as to his oral response to former Director Samantha Brennan. Officer Saloma  
13 changed his testimony upon questioning by Chairman Calvo and attempted to  
14 mislead the commission by indicating Former Director Brennan did not allow  
15 him to respond within the ten (10) day period, despite appearing before  
16 Director Brennan and others on September 13, 2019 (M32). Officer Saloma's  
17 credibility and statements were discussed by Chairman Calvo in closing  
18 arguments and by the Commission in their deliberations prior to their vote.

19 In their deliberations, it was discussed that Management proved the  
20 charges, that the safety of inmates, officers and the public was endangered, and  
21 that the situation could have ended up badly. It was further discussed that this  
22

23 **DECISION AND JUDGMENT**

24 *Joe Marie Saloma vs. Department of Corrections*  
25 Adverse Action Appeal CSC Case No.: 19-AA06S

1 was a dire situation and that a lockdown was occurred as the situation was very  
2 serious.


3 ***Burden of Proof***


4 The Commission determined by a vote of 4 to 0 that the burden of proof  
5 is clear and convincing evidence.

6 ***Ruling by Commissioners***

7 After review of the file, Management's exhibits M1-M112, hearing the  
8 testimony of the witnesses as well as the arguments of counsel, the  
9 Commission voted 4 to 0 that Management met its burden of proof of clear and  
10 convincing evidence as to the charges set forth in the Notice of Final Adverse  
11 Action. The Commission finds that Management's action was supported and  
12 affirms the five (5) working day suspension.

13 **SO ORDERED this 16<sup>th</sup> of March, 2021.**

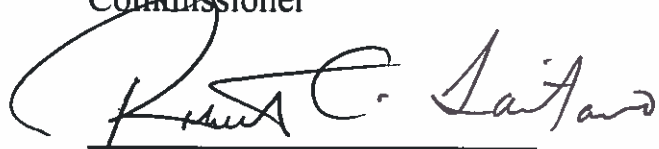
14  
15   
16 **JUAN K. CALVO**  
Chairman

14  
15   
16 **JOHN SMITH**  
Vice Chairman

17  
18   
19 **PRISCILLA T. TUNCAP**  
Commissioner

17  
18   
19 **EMILIA F. RICE**  
Commissioner

20  
21   
22 **ANTHONY P. BENAVENTE**  
Commissioner

20  
21   
22 **ROBERT C. TAITANO**  
Commissioner