



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



IN THE MATTER OF:

JOSHUA R. JAMES,

Employee,

vs.

**GUAM SOLID WASTE
AUTHORITY,**

Management.

**ADVERSE ACTION APPEAL
CASE NO.: 25-AA06S**

DECISION AND JUDGMENT

INTRODUCTION

This matter came before the Civil Service Commission on December 18, 2025, concerning the Employee's Motion to Void. The motion alleges a violation of 4 G.C.A. § 4406, commonly known as the 90-day rule. The hearing was attended by Joseph Guthrie, Deputy Attorney General, representing management, Management

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1 was not present. Robert E. Koss, representing Employee and Joshua R. James,
2 Employee were both present. The Commissioners present at the hearing included
3 John K. Calvo, Chairman, Anthony P. Benavente, Vice Chairman, Cathy O. Catling,
4 Commissioner, Rose Marie A. Morales, Commissioner, and Francisco T. Guerrero,
5 Commissioner.

6 JURISDICTION

7 Jurisdiction of the Civil Service Commission is based on the Organic Act of
8 Guam at 4 G.C.A. §§4401& 4403 et seq. and relevant personnel rules and regulations.

9 FINDINGS OF FACTS

- 10 1. The Notice of Final Adverse Action (FNAA) was issued on June 23, 2025.
- 11 2. On page 7 of the FNAA Management charged Employee with violating
12 DOA Personnel Rules and Regulations, rules 8.210(D) and 8.700.
- 13 3. The FNAA further alleged Employee was on unauthorized leave
14 beginning March 6, 2025.
- 15 4. Management issued the FNAA more than 90 days after the unauthorized
16 leave allegedly occurred.

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1 **DELIBERATION**

2 Classified employees of the Government of Guam are afforded procedural
3 protections regarding dismissal, demotion, or suspension. Under 4 G.C.A. § 4406
4 an agency must provide notice of a Final Notice of Adverse Action (FNAA)
5 within a 90-day period. This statutory window begins when management *knew*
6 *or should have known the facts or events which form the alleged basis for such*
7 *action*. Failure to adhere to this timeline renders the adverse action void.

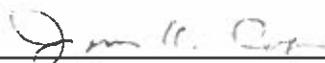
8 In the present matter, Management issued a suspension based on thirty-two
9 alleged days of unauthorized absence. These, dates, as detailed in the FNAA,
10 included March 6, 7, 13, 19, and 20, 2025. However, the FNAA was not served until
11 on June 23, 2025. Consequently, the specific dates that form the basis of this action
12 fell outside the 90-day window mandated by statute.

13 In addition to the procedural concerns raised by the Employee, the
14 Commission noted significant reservations regarding Management’s failure to attend
15 the hearing. Vice Chairman Anthony P. Benavente and Commissioner Guerrero
16 stated that Management’s non-appearance alone provided sufficient grounds to find
17 against the agency. Commissioner Cathy O. Catling expressed disappointment at
18 Management’s absence, noting that it was inappropriate given the amount of time
19 and resources the Commission invests in these cases.

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- 1 1) Provide full back pay for the three days of suspension.
- 2 2) Restore all other associated benefits as if the adverse action never
- 3 occurred.

4 **SO ORDERED** this 12th day of February, 2026.

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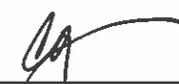
7 **JUAN K. CALVO**
Chairman



 ANTHONY P. BENAVENTE
Vice Chairman

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9 **FRANCISCO T. GUERRERO**
Commissioner



 CATHY O. CATLING
Commissioner

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11 **ROSE MARIE A. MORALES**
12 Commissioner

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20 **DECISION & JUDGMENT**

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