



BEFORE THE  
GUAM CIVIL SERVICE COMMISSION  
BOARD OF COMMISSIONERS

21-389

IN THE MATTER OF:

KOZUE SHIMABUKURO,

Employee,

vs.

GUAM MEMORIAL HOSPITAL,

Management.

WHISTLE BLOWER APPEAL  
CASE NO.: 18-WB02

DECISION AND ORDER

This matter came on to be heard before the Commission April 8, 2021 on Management's Motion to Dismiss. Present for the ZOOM hearing were Minakshi V. Hemlani, counsel for Management; Lilian Perez-Posadas, Administrator, Guam Memorial Hospital (GMH); and Robert Koss, Lay Representative for Employee. Employee was also present. Commissioners present were Chairman Juan K. Calvo, Vice Chairman John A. Smith,

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1 Commissioner Priscilla T. Tuncap, Commissioner Anthony P. Benavente, and  
2 Commissioner Robert C. Taitano.

3 Management moved to dismiss the complaint on the following grounds:

4 1. Employee's complaint is untimely.


5 2. Redirecting Employee's duties from Administrative to Clinical was  
6 reasonable.

7 3. Dr. Shimabukuro's email to Senator Dennis Rodriguez on February  
8 11, 2018 was not a protected activity.


9 4. Alleged disciplinary actions cannot pre-date an alleged disclosure.

10 The Commissioners listened to argument from the Parties and asked  
11 questions. By a vote of 4 to 1 (Commissioner Tuncap dissenting) the  
12 Commission denied Management's Motion.


13 **SO ORDERED THIS 3rd DAY OF June, 2021.**

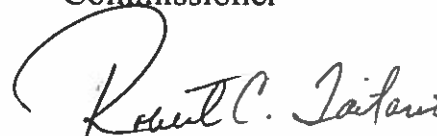
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15 **JUAN K. CALVO**  
Chairman

14 (absent)  
15 **JOHN SMITH**  
Vice Chairman

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17 **PRISCILLA T. TUNCAP**  
18 Commissioner

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17 **EMILIA F. RICE**  
18 Commissioner

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20 **ANTHONY P. BENAVENTE**  
21 Commissioner

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20 **ROBERT C. TAITANO**  
21 Commissioner

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