



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

IN THE MATTER OF:

LEORUSTUM S. ESPIA,

Employee,

vs.

GUAM HOMELAND SECURITY,

Management.

**ADVERSE ACTION APPEAL
CASE NO.: 22-AA06T**

DECISION AND ORDER

This matter came before the Civil Service Commission (Commission) for a motion hearing on December 6, 2022, at its regularly scheduled meeting, to hear Management's motions and objections filed on September 14, 2022,

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1 and Employee's Objection filed on September 28, 2022. On October 4, 2022,
2 Management filed an Objection to Employee's Filing on September 28, 2022
3 and further motions relating to Employee's filing. Employee thereafter filed
4 an objection on October 12, 2022.

5 This hearing was continued from the initial motion hearing date set for
6 November 10, 2022, which was cancelled by the Commission.

7 Present at the motion hearing on December 6, 2022, was Acting
8 Chairman Anthony P. Benavente, Commissioner Priscilla T. Tuncap
9 Commissioner John Smith, Commissioner Robert C. Taitano, and
10 Commissioner Francisco T. Guerrero. Chairman Calvo recused himself
11 voluntarily from this appeal after disclosing the father/son relationship with
12 Chief of Staff Jon Calvo, and ensured the integrity of the proceedings.

13 Employee was present and was represented by Robert Koss of the
14 Guam Federation of Teachers ("GFT"). Present for Management, the Guam
15 Homeland Security (GHS), was Acting Office of Civil Defense (OCD)
16 Administrator Samantha Brennan, and Assistant Attorney General Donna
17 Lawrence.

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1 *Jurisdiction*

2 The Civil Service Commission has jurisdiction to hear Employee's
3 adverse action appeal pursuant to its enabling Legislation including, but not
4 limited to, 4 GCA, §4403(b) and 4 GCA, §4406. Acting OCD Administrator
5 Samantha Brennan, with the approval of the Governor, took timely adverse
6 action dismissing Employee on April 26, 2022. Employee timely appealed his
7 dismissal to the Commission on April 27, 2022.

8 *Ruling by Commissioners*

9 At the beginning of the hearing, Acting Chairman Benavente raised an
10 issue to be addressed as per the statements made by the Commission's legal
11 counsel, Eric Miller, after Chairman Calvo recused himself. The inquiry
12 related to the representation of Management by Assistant Attorney General
13 Donna Lawrence. When asked about this motion to be argued, as it was not
14 raised by any motion filing by Employee, the Acting Chairman advised it was
15 to assist the Commissioners.

16 After hearing arguments from both parties' representatives on this one
17 issue, the Commissioners voted 5 to 0 to continue the hearing and asked that
18 the Governor of Guam clarify who the agency head is for the Guam
19 Homeland Security/Office of Civil Defense. The Commission indicated that

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1 this matter will be set for a status call to reschedule the motion hearing on
2 Management's motions. All filed motions and objections are reserved to be
3 heard and decided at a future hearing. The Commission requested
4 Management's counsel prepare the proposed order for submission.

5 **SO ORDERED** this 24th day of January, 2023.

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7 **JUAN K. CALVO**
Chairman


8 **ANTHONY P. BENAVENTE**
Vice Chairman

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10 **PRISCILLA T. TUNCAP**
Commissioner


11 **JOHN SMITH**
Commissioner

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13 **ROBERT C. TAITANO**
Commissioner


14 **FRANCISCO T. GUERRERO**
Commissioner

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