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



IN THE MATTER OF:
MATTHEW IGLESIAS,
Employee,
vs.
GUAM FIRE DEPARTMENT,
Management.

**GRIEVANCE APPEAL
CASE NO.: 20-GRE04**

DECISION AND JUDGMENT

This matter came before the Commission for a motion and grievance merit hearings on April 28, 2022, July 14, 2022, July 19, 2022, and September 1, 2022, at 9:00 a.m. at the Civil Service Commission (CSC). Rulings in this case were

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1 made on September 1, 2022. This motion and merit hearing was heard and decided
2 on September 1, 2022.

3 Present at the September 1, 2022, motion and merit hearing were Chairman
4 Juan Calvo, Vice Chairman Anthony P. Benavente, Commissioner Priscilla T.
5 Tuncap, Commissioner John Smith and Commissioner Robert Taitano, as well as
6 CSC staff. Commissioner Tuncap excused herself from the meeting before any
7 arguments and votes were taken.

8 Present for Management was the Fire Chief Daniel Stone and Assistant
9 Attorney General Donna Lawrence. Employee was present along with his
10 attorney, Vanessa Williams.

11 *Jurisdiction*

12 Management moved to dismiss this appeal for lack of subject matter
13 jurisdiction indicating Employee's filings were untimely and he had no right to
14 appeal to CSC under the Department of Administration's Personnel Rules, that
15 Employee's Step 1 and Step 5 filing were untimely, that the matter was mooted by
16 Employee's acceptance of a stipulation on May 8, 2022, and May 17, 2022, after
17 filing an appeal at Step 4 with the Department of Administration on May 4, 2022,
18 and because the Commission could not grant the relief grievant untimely requested
19

1 a Step 5 in his letter of appeal filed June 11, 2022. The Commission found it had
2 jurisdiction to hear this grievance appeal by an affirmative vote of 4 to 0 after
3 hearing arguments from both counsel on the issue of jurisdiction. The Commission
4 found this matter was a grievance and timely filed.

5 Employee's counsel indicated she did not believe there was an Open
6 Government Violation at the July 19, 2022, meeting and had no need to recall the
7 two (2) witnesses who testified at that hearing. The Commission thereafter voted
8 4-0 to hear the matter on September 1, 2022, instead of continuing the matter to
9 another date as there was a quorum after Commission Tuncap was excused from
10 the meeting.

11 ***Ruling by Commissioners on the Merits of Employee's Grievance Appeal***

12 After reviewing the parties' exhibits, the record, and after listening to the
13 testimony of the witnesses and the arguments of counsel at the grievance merit
14 hearings held on April 28, 2022, July 14, 2022, July 19, 2022, and September 1,
15 2022, the Commissioners voted 4 to 0 to deny Employee's grievance as he failed

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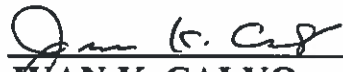
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1 to meet his burden of proof under 4 GCA § 4407(b) to show that the government's
2 conduct was improper.

3 Management's counsel was directed to prepare the Decision and Judgment.

4 **SO ORDERED** this 29th day of September, 2022.

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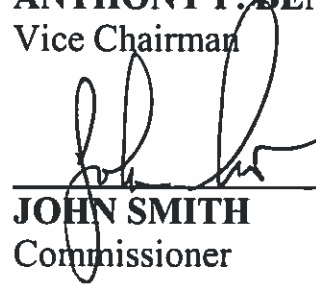
JUAN K. CALVO
Chairman

ABSENT

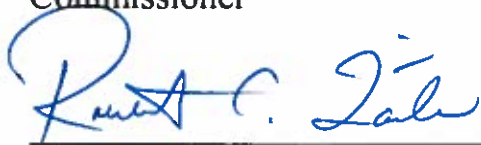
ANTHONY P. BENAVENTE
Vice Chairman

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PRISCILLA T. TUNCAF
Commissioner



JOHN SMITH
Commissioner

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ROBERT C. TAITANO
Commissioner

ABSENT

FRANCISCO T. GUERERO
Commissioner

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20 **DECISION AND JUDGMENT**

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