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5 **BEFORE THE**  
6 **GUAM CIVIL SERVICE COMMISSION**  
7 **BOARD OF COMMISSIONERS**

8 **IN THE MATTER OF:**

9 **TYLER P. NANGAUTA,**

10 **Employee,**

11 **vs.**

12 **GUAM WATERWORKS**  
13 **AUTHORITY,**

14 **Management.**

**ADVERSE ACTION APPEAL**  
**CASES NO.: 21-AA11S &**  
**21-AA16T**

**DECISION AND ORDER;**  
**EMPLOYEE'S MOTION**  
**TO RECONSIDER**

15 **INTRODUCTION**

16 This matter came before the Civil Service Commission (CSC) on  
17 January 18, 2022, on Employee's December 02, 2021, Motion for  
18 Reconsideration Due to Loss of Jurisdiction. Present for the hearing were

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20 **DECISION AND ORDER; EMPLOYEE'S MOTION TO RECONSIDER**

*Tyler P. Nangauta vs. Guam Waterworks Authority*

Adverse Action Appeal Cases No.: 21-AA11S & 21-AA16T

1 the Employee, Tyler P. Nangauta, and his Lay Representative, Robert  
2 Koss. Present for Management, Guam Waterworks Authority (GWA)  
3 were Assistant General Manager of Administration, Christopher Budasi,  
4 and Attorney Graham Botha. Present for the Civil Service Commission  
5 were Juan K. Calvo, Chairman; John Smith, Vice Chairman; and  
6 Commissioner Anthony Benavente; and Commissioner Robert C. Taitano.

### 7 JURISDICTION & BACKGROUND

8 The jurisdiction of the Commission is based upon 4 G.C.A. §4401 *et*  
9 *seq.*, and relevant portions of the Guam Waterworks Authority Personnel  
10 Rules and Regulations. On December 02, 2021, Employee filed a Motion  
11 for Reconsideration Due to Loss of Jurisdiction. On January 11, 2022,  
12 Management filed its response to Employee's Motion.

### 13 DISCUSSION

14 During the January 18, 2022 motion hearing, Employee presented to  
15 the Commission that the Commission is without jurisdiction as it failed to  
16 sign its written decision within sixty (60) days as mandated by 4 GCA,  
17 §4406.2(i), Time Standards and Case Management. On September 7,  
18 2021, the Commission heard Employee's Motion to Void both the

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1 Suspension and the Termination Adverse Actions, and voted 4 to 0  
2 denying Employee's motion. On November 23, 2021, the Commission  
3 signed its Decision and Order. Employee claims that the period from when  
4 Employee's motion was heard to the date of the signing of the Decision  
5 and Order is seventy-seven (77) days, seventeen (17) days outside of the  
6 timeframe allowed; therefore, the Commission lost jurisdiction to sign and  
7 order its decision.

8 Management contended that under CSC Rule 11.7.5, a motion for  
9 reconsideration can only be filed with the Commission after a Judgment  
10 has been rendered. Herein, no judgment has been issued on this matter.  
11 Accordingly, Employee's motion to reconsider under CSC Rule 11.7.7, is  
12 not proper as there was no Judgment issued.

### 13 CONCLUSION

14 The Commission voted 3 to 1 (Commissioner Taitano dissenting),  
15 denying Employee's Motion for Reconsideration Due to Loss of  
16 Jurisdiction. Since Employee did not acquire the four (4) affirmative votes  
17 required under 4 G.C.A., Chapter 4,

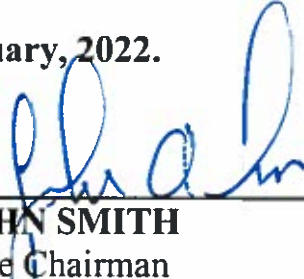
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1 §4402, Quorum, Employee therefore did not meet its burden by a  
2 preponderance of the evidence.

3 **SO ORDERED** this 8th day of February, 2022.

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5 **JUAN K. CALVO**  
6 Chairman

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5 **JOHN SMITH**  
6 Vice Chairman

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8 **PRISCILLA TUNCAP**  
9 Commissioner

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8 **ANTHONY P. BENAVENTE**  
9 Commissioner

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10 **ROBERT C. TAITANO**  
11 Commissioner