



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



**IN THE MATTER OF:**

**VINCENT T. ACFALLE,**

**Employee,**

**vs.**

**PORT AUTHORITY OF GUAM,**

**Management.**

**ADVERSE ACTION APPEAL  
CASE NO.: 21-AA18T**

**DECISION AND JUDGMENT**

**INTRODUCTION**

This matter came before the Civil Service Commission (“CSC”) on Management’s Motion to Dismiss on November 23, 2021, via Zoom. Present on behalf of the Port Authority of Guam (“Management”) was Deputy General Manager of Administration and Finance Luis R. Baza with counsel, Attorney Christine K. Claveria. Employee Vincent T. Acfalle was not present. Commissioners present were Chairman Juan K. Calvo, Vice Chairman John A. Smith, Commissioner

**DECISION AND JUDGMENT**

*Vincent T. Acfalle vs. Port Authority of Guam*  
Adverse Action Appeal CSC Case No.: 21-AA18T

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

3 **JURISDICTION**

4 The jurisdiction of the Commission is based upon Title 4 Guam Code  
5 Annotated, § 4401, *et seq.*, and relevant portions of the Port Authority of Guam's  
6 Personnel Rules and Regulations. Management's Motion to Dismiss is made  
7 pursuant to Rule 9.5 of the CSC Rules of Procedure for Adverse Action Appeals.

8 **DISCUSSION**

9 Management moved to dismiss the Employee's Notice of Adverse Action  
10 Appeal filed May 19, 2021, for failure to prosecute pursuant to Rule 41(b) of the  
11 Guam Rules of Civil Procedure. The Employee did not file a written Opposition nor  
12 did he appear at the scheduled motion hearing.

13 Since the filing of the appeal, the CSC has held four (4) continued status  
14 conferences, all of which have been repeatedly postponed. Without adequate  
15 documentation to support a genuine reason for the continued delay of this matter,  
16 such continued scheduling and rescheduling would unreasonably strain the CSC's  
17 ability to manage its docket and prejudice Management's ability to defend this  
18 appeal.

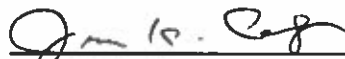
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20 **DECISION AND JUDGMENT**

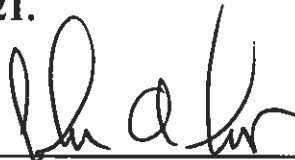
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1 **DECISION AND JUDGMENT**

2 After deliberations, the Commission voted unanimously, five (5) to zero (0),  
3 in favor of Management's Motion to Dismiss, finding that Management met its  
4 burden of proof that the Employee failed to prosecute this appeal in a timely manner  
5 pursuant to Rule 41(b) of the Guam Rules of Civil Procedure. Accordingly, the CSC  
6 hereby **GRANTS** Management's motion, and **ORDERS** the Employee's Notice of  
7 Adverse Action Appeal **DISMISSED**.

8 **SO ORDERED this 2nd of December, 2021.**

9   
10 **JUAN K. CALVO**  
Chairman

  
11 **JOHN SMITH**  
Vice Chairman

12 (absent)  
13 **PRISCILLA T. TUNCAP**  
Commissioner

  
14 **ANTHONY P. BENAVENTE**  
Commissioner

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16 **ROBERT C. TAITANO**  
Commissioner