

SUPREME COURT OF GUAM

Guam Waterworks Authority v. Civil Service Commission, and Joey A. Taitano

2026 Guam 3 · No. CVA24-012 · Decided May 7, 2026

SUMMARY

The Supreme Court of Guam held that Guam Waterworks Authority’s personnel rules required Joey A. Taitano to receive ten days to respond to proposed adverse action after receiving notice. Because GWA terminated Taitano four days after he received the notice, the court reversed the Superior Court’s decision and held the termination invalid. The court also concluded that objections to the timeliness of GWA’s petition for judicial review involved nonjurisdictional claim-processing rules and had been waived.

CASE DETAILS

COURT	Supreme Court of Guam
WRITING FOR THE COURT	F. Philip Carbullido, Presiding Justice; Katherine A. Maraman, Associate Justice; John A. Manglona, Justice Pro Tempore
JURISDICTION	Supreme Court of Guam
DECIDED	May 7, 2026
DOCKET	CVA24-012
DISPOSITION	reversed
PROCEDURAL POSTURE	Taitano appealed the Superior Court of Guam's judgment granting GWA's petition for judicial review, vacating the Civil Service Commission's decision, and remanding for further proceedings. The Supreme Court of Guam reviewed the jurisdictional timeliness issue and the interpretation of GWA's personnel rules.
STANDARD OF REVIEW	Jurisdictional questions are reviewed de novo. Ordinarily, the court reviews whether the trial court correctly determined that the CSC's decision was in accordance with law and supported by substantial evidence. When the CSC decision is disposed of under the Rule of Four and no findings of fact can be issued, judicial review is limited to a de novo determination of whether the agency decision was in accordance with law; courts may not review factual issues.
PRECEDENTIAL VALUE	Published and precedential

PARTIES

Joey A. Taitano, Real Party in Interest-Appellant v. Guam Waterworks Authority, Petitioner-Appellee, Civil Service Commission, Respondent-Appellee

TOPICS

judicial review of agency action

administrative law

statutory interpretation

appellate procedure

employment law

PRACTICE AREAS

administrative law

employment law

appellate procedure

civil procedure

statutory interpretation

QUESTIONS PRESENTED

1. Whether the Superior Court had jurisdiction over GWA's petition for judicial review when the petition was stamped filed one day after the applicable thirty-day deadline.
2. Whether the thirty-day deadline for seeking judicial review of a CSC decision, the filing-fee requirement, and the Superior Court's email-filing policy were jurisdictional or nonjurisdictional claim-processing rules, and whether Taitano waived any objection.
3. Whether the GWA Rules gave Taitano ten days to answer after actual or presumed receipt of the notice of proposed adverse action, rather than from the date of mailing or completion of service.
4. Whether GWA violated its own rules by terminating Taitano before the ten-day response period after receipt had elapsed.
5. Whether the Superior Court could review factual issues when the CSC decision was disposed of under the Rule of Four and the CSC issued no findings of fact.

HOLDINGS

1. The Superior Court properly exercised jurisdiction over GWA's petition. The thirty-day filing deadline, the administrative-order requirement that a document is not filed until the filing fee is paid, and the Superior Court's email-filing policy were court- or agency-created claim-processing rules rather than jurisdictional limits, and Taitano waived his objections to their application.
2. When a CSC matter is disposed of under the Rule of Four and no findings of fact can be issued, judicial review is limited to a de novo determination of whether the agency decision was in accordance with law; courts may not review factual issues.
3. The phrase "after receipt of the notice" means after the employee actually receives the notice, or after a legally applicable presumption of delivery, and does not mean after mailing or completion of service by mail.
4. Certified mail does not establish that an employee received notice upon mailing. When certified mail is sent with return receipt requested, the return receipt ordinarily supplies prima facie evidence of the

delivery date. If no receipt is available, a rebuttable presumption of delivery may apply in appropriate circumstances, but it cannot be treated as conclusive or as instantaneous receipt upon mailing.

5. GWA violated its own personnel rules by terminating Taitano before he had received ten full calendar days to answer the notice of proposed adverse action. An adverse action taken before the ten-day period after receipt has elapsed is invalid.

KEY QUOTATIONS

“GWA employees have the right to ten days after receiving a notice of proposed adverse action to respond, and GWA may not take adverse action until that period has elapsed.” (¶ 51)

““Receipt” does not mean “mailing” or “service.” Any interpretation that deprives employees of a full opportunity to respond would produce untenable results and will not be adopted by this court.” (¶ 52)

“We REVERSE, VACATE the judgment, and reinstate the CSC’s decision vacating the termination.” (¶ 53)

FACTUAL BACKGROUND

GWA sent Taitano notices of proposed adverse action by certified mail on May 6, 2021, after he refused to retake a drug test under direct observation. Taitano received the notices on May 13, but GWA terminated him on May 18, before ten days had elapsed after receipt. GWA's rules stated that an employee had ten days to answer after receipt of the notice and that adverse action could not proceed until the notice period expired. The CSC vacated the termination because the required number of commissioners did not vote to uphold it.

PROCEDURAL HISTORY

GWA terminated Taitano on May 18, 2021, after sending him notices of proposed adverse action by certified mail on May 6. Taitano appealed to the CSC, which vacated the termination because the required four commissioners did not vote to uphold it. GWA petitioned the Superior Court for judicial review; the Superior Court granted the petition, ruled that the ten-day response period began upon mailing, and remanded to the CSC. Taitano timely appealed.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The Supreme Court reversed and vacated the Superior Court's judgment and reinstated the CSC's decision vacating Taitano's termination. No further remand instructions were required.

CASES CITED

- Pineda v. Pineda, 2005 Guam 10 ¶ 15
- Guam Power Auth. v. Civ. Serv. Comm’n (Guerrero), 967 F.2d 586, 1992 WL 153005, at *2 (9th Cir. 1992)
- Melwani v. Arnold, 2010 Guam 7 ¶ 20

- Charfauros v. Civ. Serv. Comm’n (Guam Police Dep’t), 2022 Guam 19 ¶¶ 15-16
- Guam Police Dep’t v. Guam Civ. Serv. Comm’n (Charfauros), 2020 Guam 12 ¶ 6
- Carlson v. Perez, 2007 Guam 6 ¶ 65
- In re Dep’t of Agric. v. Civ. Serv. Comm’n (Rojas), 2009 Guam 19 ¶¶ 13-14
- People v. Pinaula, 2023 Guam 2 ¶¶ 18-20
- Wilkins v. United States, 598 U.S. 152, 158 (2023)
- Agana Beach Condo. Homeowners’ Ass’n v. Mafnas, 2013 Guam 9 ¶ 37
- Port Auth. of Guam v. Civ. Serv. Comm’n (Susuico), 2015 Guam 14 ¶ 11
- Limtiaco v. Guam Fire Dep’t, 2007 Guam 10 ¶ 65
- Fagan v. Dell’Isola, 2006 Guam 11 ¶¶ 11-12
- Houston v. Lack, 487 U.S. 266, 275 (1988)
- Lewis v. United States, 144 F.3d 1220, 1222-25 (9th Cir. 1998)
- Schikore v. BankAmerica Suppl. Ret. Plan, 269 F.3d 956, 961-63 (9th Cir. 2001)
- Payan v. Aramark Mgmt. Servs. Ltd. P’ship, 495 F.3d 1119, 1124-26 (9th Cir. 2007)
- Jones v. Flowers, 547 U.S. 220, 225, 235 (2006)
- In re Guam Bar Ass’n, 2024 Guam 5 ¶ 29
- Topasna v. Gov’t of Guam, 2021 Guam 23 ¶¶ 9-10
- JBLU, Inc. v. United States, 813 F.3d 1377, 1380 (Fed. Cir. 2016)
- Goldstein v. S.E.C., 451 F.3d 873, 878 (D.C. Cir. 2006)
- M Elec. Corp. v. Phil-Gets (Guam) Int’l Trading Corp., 2016 Guam 35 ¶ 75
- People v. Walliby, 2024 Guam 13 ¶ 11
- In re Est. of Leon Guerrero, 2023 Guam 10 ¶ 46
- Earl v. State Pers. Bd., 179 Cal. Rptr. 3d 899, 902, 907 (Ct. App. 2014)
- Miller County Board of Education v. McIntosh, 756 S.E.2d 641, 645-46 (Ga. Ct. App. 2014)
- State ex rel. Ormet Corp. v. Indus. Comm’n of Ohio, 561 N.E.2d 920, 925 (Ohio 1990) (per curiam)
- Blas v. Guam Customs & Quarantine Agency, 2000 Guam 12 ¶ 24
- Guam Election Comm’n v. Responsible Choices for all Adults Coal., 2007 Guam 20 ¶ 86
- People v. Taisacan, 2023 Guam 19 ¶ 22
- Ungacta v. Superior Court (People), 2013 Guam 29 ¶ 18 n.7