

Apportionment of Damages

Appellant argues that the court improperly apportioned damages in assessing $\frac{19}{20}$ of the damages to the Government and $\frac{1}{20}$ to Mobil Oil. We will not intrude into the province of this trial court and reweigh the evidence concerning the apportionment, especially in light of the fact that sufficient reason appears in the record to support such an apportionment. In passing, we observe that Restatement of Torts 2d, § 433A, which appellant cites as authority, is tempered by the application of the following section, § 433B Burden of Proof (2): "Where the tortious conduct of two or more actors has combined to bring about harm to the plaintiff, and one or more of the actors seeks to limit his liability on the ground that the harm is capable of apportionment among them, the burden of proof as to the apportionment is upon such actor." Appellant not having met such burden, the apportionment of the trial court stands.

Accordingly the decision of the trial court is hereby **AFFIRMED**.

JASMIN T. FLORES, Plaintiff-Appellee

v.

PEACE CORPS MICRONESIA, Defendant-Appellant

Civil Appeal No. 252

Appellate Division of the High Court

Truk District

March 21, 1979

Appeal from order of contempt. The Appellate Division of the High Court, Nakamura, Associate Justice, held that trial division could not restrain the United States Peace Corps from revoking the contract of one of its volunteers.

Courts—Jurisdiction—High Court

The High Court has no jurisdiction over the internal operations of the United States Peace Corps, an agency of the United States, and the trial division could not restrain the corps from revoking the employment contract of one of its volunteers.

Counsel for Appellant: MINOR POUNDS, ESQ., *Office of
the Attorney General*

Counsel for Appellee: HERBERT D. SOLL, ESQ., *Office of
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Before BURNETT, *Chief Justice*, HEFNER, *Associate
Justice*, and NAKAMURA, *Associate Justice*

NAKAMURA, *Associate Justice*

This is an appeal from an Order of Contempt issued by the Trial Division of the High Court on March 17, 1978, in *Jasmin T. Flores v. Peace Corps Micronesia*, Civil Action No. 10-78, Truk District.

The facts of this case are straightforward. Jasmin Flores, plaintiff/appellee, was a Peace Corps Volunteer assigned to the Truk Hospital, Truk District, as a medical assistant. It appears that some difficulties arose between appellee and Dr. Kiosi Aniol, an employee of the said hospital, which resulted in efforts by Dr. Aniol to remove appellee from her position. On February 2, 1978, appellee filed an affidavit with the Clerk of Courts, Truk District, and based on the said affidavit, a Temporary Restraining Order was issued by the Trial Court. The Order, in part, restrains the appellant from revoking the contract of the appellee with the Peace Corps. Shortly after the issuance of the Order, the appellant terminated the appellee.

On March 2, 1978, the Trial Court issued an Order as to why the appellant should not be held in contempt. A hearing was held on March 3, 1978, which resulted in an Order of Contempt issued on March 17, 1978.

The primary issue in this appeal is whether the High Court of the Trust Territory of the Pacific Islands has any jurisdiction over the internal operations of the Peace Corps, an agency of the United States.

Based on the facts of this case, and the holdings in *Schulz v. United States Peace Corps, et al.*, 4 T.T.R. 428 (Tr. Div.

1969), it is concluded that the answer to the question is in the negative.

IT IS THEREFORE ORDERED that the Temporary Restraining Order and the Order of Contempt issued by the Court below are hereby VACATED.

JUSTIN ARON, *Petitioner-Appellant*
v.
TRUST TERRITORY OF THE PACIFIC ISLANDS,
Respondent-Appellee
Civil Appeal No. 187
Appellate Division of the High Court
Ponape District
March 30, 1979

Teacher terminated by district director of education, whose termination was upheld by personnel board and the trial division, appealed. The Appellate Division of the High Court, Hefner, Associate Justice, held that allegedly unsubstantiated grounds for termination could not be successfully raised on appeal where personnel board hearing was de novo, entitling such issues to be heard there.

1. Administrative Law—Judicial Review—Weight of Evidence

On appeal from trial division's denial of petition for review of personnel board action the appellate division is not to reweigh the evidence and substitute its judgment for that of the personnel board.

2. Administrative Law—Judicial Review—Sufficiency of Evidence

Where termination of teacher by district director of education was considered on de novo review by personnel board, teacher could not, on appeal to appellate division, complain he was terminated because of a charge not substantiated at the personnel board hearing, for the hearing before the board was de novo and a full hearing and teacher could not complain that one charge or another was not substantiated at one hearing or another.

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