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United States General Accounting Office
Washington, DC 20548

Office of
General Counsel

In Reply
Refer to: B-194001

Request For Restoration of Priority Consideration For GS-9 Level Position
MAR 19 1979
Mrs. Irene R. Chavez *on*
774 - 31st Avenue
San Francisco, California 94121

Dear Mrs. Chavez:

Do not make available to public reading

Reference is made to your letter of January 9, 1979, with enclosures, requesting restoration of your priority consideration for the next appropriate position at GS-9 level arising under vacancy announcements incident to your employment with the Department of Health, Education, and Welfare (HEW).

AGC01399

According to the information you forwarded with your letter, it appears that you filed a grievance on or about August 18, 1977, with your employing agency, HEW, for having been denied an opportunity for promotional consideration for a GS-9 vacancy within Region IX, HEW. As a result of your grievance action, you were given priority consideration for the next appropriate GS-9 vacancy (Administrative Officer, GS-341-7/9, Vacancy Announcement No. HDS-78-231). However, while priority consideration was granted as a result of your grievance action, you were not selected for the position involved. You now request that our Office restore your priority consideration in this matter.

The General Accounting Office is not vested with the authority of review of agency grievance decisions, including restoration of priority consideration involved here. The resolution of a grievance is primarily an agency internal matter. In this connection, we note that an employee given priority consideration for a position under Federal Personnel Manual (FPM) chapter 335, paragraph 6-4.c., is not afforded automatic selection for such position.

For your information, title 5 of the United States Code and implementing regulations provide that employees are entitled to protest their job classification, violation of promotion programs, and to file administrative appeals with the Office of Personnel Management in the event the employing agency denies them relief.

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Letter returned



B-194001

We trust this will serve the purpose of your inquiry.

Sincerely yours,

IS/

Irwin Richman
Attorney-Adviser