



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

B-178242

September 26, 1973

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Mr. John J. Marini
4901 Seminary Road
Alexandria, Virginia 22311

Dear Mr. Marini:

We refer to your letter of June 16, 1973, requesting reconsideration of our decision of June 5, 1973, B-179242, which sustained the disallowance of your claim for an increase in pay, retroactive to January 1, 1967, following the reclassification of your position from GS-14 to GS-15, effective October 18, 1970.

The facts of your case are contained in our decision of June 5, 1973, and will not be repeated here. Your request for reconsideration is not based on new facts but on the belief that our prior decision overlooked the provisions of section 1310(d) of the 1952 Supplemental Appropriation Act as amended, 5 U.S.C. 43 note (1964 ed.), which requires an annual review of position classifications. While the statute was not specifically mentioned, our decision noted that you had claimed that your supervisors failed to timely update your position classification. In this regard we pointed out that it is not within the jurisdiction of our Office to determine whether a position has been properly described.

We have reviewed your case but find no basis to disturb our decision of June 5, 1973. We also have examined your contention that your case closely parallels the situation in B-165571, February 19, 1971, 50 Comp. Gen. 581, wherein an employee was held to be entitled to retroactive pay because her agency deliberately misclassified her position. This case is inapplicable to your situation since there is nothing in the record to indicate the Navy deliberately misclassified your position.

Accordingly, our decision of June 5, 1973, is sustained.

Sincerely yours,

Paul G. DeLoane

For the Comptroller General
of the United States

✓ cc: Department of the Navy
Navy Regional Finance Center
Washington, D.C. 20390

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THE OFFICE OF THE COMPTROLLER GENERAL OF THE UNITED STATES

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