

DOCUMENT RESUME

02276 - [A1332300]

[Detail to Higher Grade Position]. B-187032. May 6, 1977. 2 pp.

Decision re: Leola V. Harris; by Paul G. Deubling, Acting
Comptroller General.

Issue Area: Personnel Management and Compensation (300).
Contact: Office of the General Counsel: Civilian Personnel.
Budget Function: General Government: Central Personnel
Management (905).

Organization Concerned: Department of the Navy.

Authority: Back Pay Act (5 U.S.C. 5596). 31 U.S.C. 71a. F.P.H.
ch. 300, subpara. 8-4c(1). F.P.H. ch. 300, subpara. 8-4f(1).
55 Comp. Gen. 539. 55 Comp. Gen. 785. B-183086 (1977).

The claimant's attorney, Terence E. Hall, requested reconsideration of a decision which disallowed a claim for a retroactive temporary promotion with backpay because of an improper detail to a higher grade position for an extended period. The Navy failed to obtain approval of an extension from the Civil Service Commission during the first 120 days of the detail. The improper detail was an unjustified personnel action, entitling the employee to a retroactive temporary promotion with backpay from the 121st day of the detail until it was terminated. (Author/SC)

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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20549**

Lupton
CIV Pay.

FILE: B-187032

DATE: May 5, 1977

**MATTER OF: Leola Y. Harris - Detail to Higher Grade
Position**

DIGEST: Department of the Navy employee appeals settlement that disallowed her claim for retroactive temporary promotion with backpay incident to a detail from GS-12 to GS-13 position during period September 16, 1973, to August 18, 1974, where her agency failed to obtain approval of an extension from the Civil Service Commission during the first 120 days of the detail. We hold that her improper detail was an unjustified personnel action under the Back Pay Act, 5 U.S.C. § 5596, entitling her to a retroactive temporary promotion with backpay from the 121st day of the detail until it was terminated.

This decision is made pursuant to a request by Ms. Leola Y. Harris, an employee of the Department of the Navy, through her attorney, Terence E. Hall, that we review Settlement No. Z-2572666, July 2, 1975, wherein our Claims Division disallowed her claim for a retroactive temporary promotion to grade GS-13 for the period from approximately September 16, 1973, to August 18, 1974, together with backpay, as a result of an improper detail to a higher grade position for an extended period.

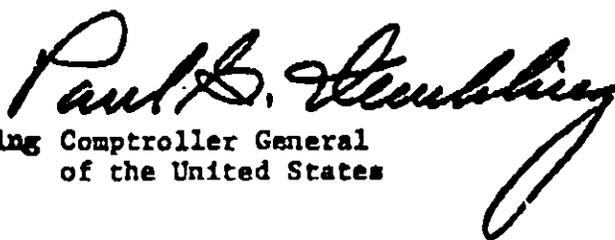
The record in this case reveals that in early 1973, while Ms. Harris occupied the position of a Budget and Accounting Analyst, GS-504-12, at the Naval Reserve Training Command, Omaha, Nebraska, she was offered a position of Systems Accountant, GS-510-12, with Chief of Naval Reserve, New Orleans, Louisiana. On April 2, 1973, she officially accepted this offer and reported for duty at the New Orleans location on or about September 16, 1973. In a memorandum dated July 22, 1974, Subject: Performance of duties in case of Ms. Leola Harris, Mr. Ralph E. Hellstrom, Deputy Comptroller, Chief of Naval Reserve, New Orleans, Louisiana, states upon Ms. Harris' arrival in New Orleans, she was assigned to a Systems Accountant position GS-510-12 but was officially detailed to a Supervisory Systems Accountant position, GS-510-13. Apparently a Standard Form 52 was never submitted covering this detail in accordance with

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Civil Service Commission regulations contained in subparagraph 8-4c(1), chapter 300, Federal Personnel Manual. Ms. Harris continued to serve on this detail until August 19, 1974, when another employee was assigned to the grade 13 position. There is no evidence in the record that the Department of the Navy ever requested an extension of the detail from the Civil Service Commission during the initial 120 days as is required by subparagraph 8-4f(1), chapter 300 of the Federal Personnel Manual.

In our decision In the Matter of Everett Turner and David L. Caldwell - Retroactive Temporary Promotions for Extended Details to Higher Grades, 55 Comp. Gen. 539 (1975), we held that employees detailed to higher grade positions for more than 120 days, without Civil Service Commission approval, are entitled to retroactive temporary promotions with backpay for the period beginning with the 121st day of the detail until the detail is terminated. Subsequently, in Marie Grant, 55 Comp. Gen. 785 (1976), we ruled that the Turner-Caldwell decision applied retroactively to extended details to higher grade positions, subject only to the time limitation on filing claims imposed by 31 U.S.C. § 71a. We recently affirmed both the aforementioned decisions in our Reconsideration of Turner-Caldwell, B-183086, March 23, 1977, 56 Comp. Gen. _____. A review of the facts in this case leads us to the conclusion that Ms. Harris satisfies the criteria set forth in these decisions so as to entitle her to a retroactive temporary promotion with backpay from the 121st day of her detail until her detail was terminated inasmuch as she underwent an unjustified or unwarranted personnel action under provisions of the Back Pay Act, 5 U.S.C. § 5596.

Accordingly, we are hereby vacating the Settlement of July 2, 1975, on Claim No. Z-2572666 and today we are advising our Claims Division to issue a settlement in the amount found due.


Acting Comptroller General
of the United States