

DOCUMENT RESUME

02561 - [A1652631]

[Detail to Higher Grade Position]. B-187427. June 3, 1977. 2 pp.

Decision re: John B. Moore; by Robert F. Keller, Deputy Comptroller General.

Issue Area: Personnel Management and Compensation: Compensation (305).

Contact: Office of the General Counsel: Civilian Personnel.

Budget Function: General Government: Central Personnel Management (805).

Organization Concerned: Federal Aviation Administration.

Authority: 31 U.S.C. 71a. 53 Comp. Gen. 148. B-183086 (1977).

Fletcher R. Brande, Chief of the Accounting Operations Division of the Federal Aviation Administration, requested an advance decision on a claim for a temporary retroactive promotion and backpay. An employee detailed to a higher grade for a period in excess of 120 days from October 1969 to October 1970 did not file a backpay claim with his agency until March 31, 1976, and the claim was not received by GAO until September 14, 1976. If qualified for promotion, the employee was entitled to temporary retroactive promotion and backpay, but only for September 14, 1970, through October 3, 1970. (Author/SC)

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Robert Rissler
Civ. Pers.

DECISION



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

FILE: B-187427

DATE: June 3, 1977

MATTER OF: John B. Moore - Detail to Higher Grade Position

DIGEST:

GS-14 employee designated to act in GS-15 position from October 21, 1969, to October 4, 1970, filed backpay claim with his agency on March 31, 1976, but it was not received in GAO until September 14, 1976. If qualified for promotion employee is entitled to temporary retroactive promotion and backpay, but only for September 14, 1970, through October 3, 1970, the period not barred by statute of limitation when claim was received in GAO, since filing with agency does not satisfy requirements of this statute.

By letter dated September 10, 1976, and received in the General Accounting Office on September 14, 1976, Mr. Fletcher R. Brande, Chief, Accounting Operations Division, Federal Aviation Administration, transmitted and requested an advance decision on the claim of Mr. John B. Moore for a temporary retroactive promotion and backpay based on a detail to a position of higher grade for a period in excess of 120 days.

Mr. Moore, then occupying a grade GS-14 position, was designated Acting Chief, Administrative Standards Division, on October 21, 1969, and served in that capacity until October 4, 1970, effective on which date he was promoted to Chief, Administrative Standards Division GS-15. The grade GS-15 chief position was in existence and vacant during his entire tenure as acting chief. Mr. Moore filed his claim with his agency on March 31, 1976, but it was not received in the General Accounting Office until September 14, 1976.

If he met the statutory and regulatory requirements for promotion, including the time in grade requirements, Mr. Moore is entitled to a temporary retroactive promotion and backpay under the provisions of our decision in the Matter of Reconsideration of Everett Turner and David L. Caldwell, B-183086, March 23, 1977, 56 Comp. Gen. ____.

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However, this promotion and backpay may be granted only for the period of September 14 through October 3, 1970, since Mr. Moore's claim was not received in this Office until September 14, 1976. Section 71a of title 31, United States Code, explicitly bars claims which are not received in the General Accounting Office within 6 years after the date they first accrue. We are without authority to waive or modify the application of this statute and it has been consistently held that filing a claim with the administrative office does not satisfy its requirements. See 53 Comp. Gen. 148 (1973), at page 155.

Mr. Moore's claim is returned herewith and may be settled in accordance with the foregoing.


Deputy Comptroller General.
of the United States