

DECISION

119556
THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

Bruner
12/17/82

FILE: B-195301

DATE: September 24, 1982

MATTER OF: Robert G. Luttman

DIGEST: Employee appeals action of our Claims Group, which denied his request that a retroactive temporary promotion granted under our Turner-Caldwell decisions, 55 Comp. Gen. 539 (1975), sustained in 56 Comp. Gen. 427 (1977), be converted into a permanent promotion. Denial is sustained as there is no entitlement under Turner-Caldwell to a permanent promotion.

The issue in this decision is the entitlement of an employee to have a retroactive temporary promotion granted under our Turner-Caldwell decisions converted into a permanent promotion.

Mr. Robert G. Luttman, an employee of the Department of the Army, has appealed the action of our Claims Group in Settlement No. Z-2795218, June 30, 1980, which denied his request that the retroactive temporary promotion authorized in Matter of Luttman, B-195301, October 19, 1979, be converted into a permanent promotion. Mr. Luttman's retroactive temporary promotion was granted under the authority of our Turner-Caldwell decisions, 55 Comp. Gen. 539 (1975), sustained in 56 Comp. Gen. 427 (1977). Under Turner-Caldwell employees who were detailed to higher-grade positions more than 120 days without prior approval by the United States Civil Service Commission (now Office of Personnel Management) were entitled to temporary promotions and backpay beginning on the 121st day of the detail. Our Turner-Caldwell decisions allowing temporary promotions under such circumstances followed a decision of the Board of Appeals and Review, Civil Service Commission, dated April 19, 1974, which held that the remedy for an agency's failure to obtain prior Civil Service Commission approval to extend a detail was a temporary promotion for the employee. However, there is no entitlement under Turner-Caldwell, as the Claims Group correctly noted in its settlement, to a permanent promotion. See 56 Comp. Gen. 427, 431.

Accordingly, the action of the Claims Group in Z-2795218, June 30, 1980, is sustained.

for
Thomas A. ...
Comptroller General
of the United States