

**DECISION**

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

FILE: B-209813

DATE: April 22, 1983

MATTER OF: Ms. Bari Edgehill - Compensation for Work  
Performed Beyond Limitation of Appointment

## DIGEST:

Employee of the National Mediation Board, who performed work in excess of her 1,040-hour temporary appointment due to administrative error, is a de facto employee and may retain compensation for services which were performed in good faith.

This is in response to a request from Rowland K. Quinn, Jr., Executive Secretary of the National Mediation Board, for a decision concerning Ms. Bari Edgehill's entitlement to compensation for service in excess of her 1,040-hour temporary appointment. For the reasons stated below, we hold that Ms. Edgehill is entitled to retain the compensation she received for hours worked in excess of her appointment limitation.

In September 1980, Ms. Edgehill was temporarily appointed by the National Mediation Board to the position of Computer Statistical Aide, grade GS-3, under the provisions of Chapter 213, Appendix C, section 213.3102(q) of the Federal Personnel Manual, which authorize the appointment of bona fide college and university students who are pursuing courses related to the fields in which they are employed. Such appointments are limited to 1,040 working hours a year. Ms. Edgehill's first appointment terminated in September 1981, and she was reappointed to the same position for the term October 5, 1981, to September 17, 1982.

The Board's report indicates that Ms. Edgehill exceeded the hours limitation of her second appointment by 234.5 hours. Specifically, the Board states that Ms. Edgehill was compensated for 1,274.5 hours, consisting of 1,193.5 hours actually worked, and 81 hours of annual and sick leave used by the employee during the period of her appointment. The Board explains that the appointment limitation was exceeded because it erroneously applied the 1,040-hour limitation on a calendar year basis rather than an appointment basis, and did not include annual and sick leave used by the employee in its computation of working hours.

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The Board further states that Ms. Edgehill was not informed that she had exceeded the 1,040-hour limitation, that she rendered service in good faith, and that the Board received the full benefit of the employee's services. The Board believes that, under the principles expressed in our decision Conrad B. Matern, B-191884, February 5, 1979, Ms. Edgehill should be permitted to retain the compensation she received for service in excess of the hours limitation of her appointment.

As pointed out by the Board, we have held that an employee who renders service in good faith and under color of authority beyond an appointment limitation due to administrative error is a de facto employee, and, on this basis, is entitled to be compensated for service in excess of the appointment limitation. Cecile W. Murphy, B-202440, June 17, 1981; Conrad B. Matern, above.

In this instance, it appears that Ms. Edgehill exceeded the hours limitation of her appointment due to administrative error, that there was no fault on her part, and that she performed the additional 234.5 hours of work in good faith. Therefore, Ms. Edgehill is entitled to retain the compensation for the 234.5 hours she worked in excess of her appointment limitation.

for *Harry D. Van Cleave*  
Comptroller General  
of the United States