

12389 PLM-H

**DECISION**



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

FILE: B-194258

DATE: December 27, 1979

MATTER OF: Marie L. Leber

**DIGEST:** Employee of the Department of the Navy appeals disallowance by Claims Division of her claim for a retroactive temporary promotion from grade GS-3 to GS-5 on the grounds that she did not meet experience requirements for promotion to grade GS-5. Employee is entitled to promotion to grade GS-4 in accordance with Mary Lee Groover, B-190174, April 21, 1978.

By a letter dated December 15, 1978, Marie L. Leber, appealed the action of our Claims Division in Certificate of Settlement Z-2803360, issued October 25, 1978, which disallowed her claim for a retroactive temporary promotion under our decision Turner-Caldwell, 55 Comp. Gen. 540 (1975), affirmed, 56 id. 427 (1977).

The record shows that on October 9, 1974, Ms. Leber, a GS-3 clerk-typist with the Armed Forces Police Detachment, Washington Navy Yard, was detailed to a GS-5 position. The detail continued until May 2, 1975. The Claims Division denied Ms. Leber's claim because, as reported by the agency, she did not meet the requirement of Civil Service Commission Handbook X-118, "Qualification Standards for Positions Under the General Schedule" (now OPM Handbook X-118), that she have one year of specialized experience to qualify for a GS-5 secretarial position. In her appeal Ms. Leber states that she was detailed to a supervisory clerk-typist position, GS-322-05; not a secretarial position, GS-318-05.

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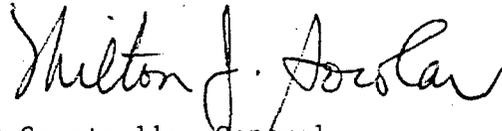
We have verified with the Consolidated Civilian Personnel Office, Washington Navy Yard, that the GS-318 secretarial position at the Armed Forces Police Detachment was established after the period of Ms. Leber's detail and that the position to which she was detailed in 1974 was a GS-322-05 supervisory clerk-typist position. Her current personnel office, Civilian Personnel Office, Fort Myer, Virginia, states that in 1974 Ms. Leber was not qualified for promotion to a GS-5 clerk-typist position. However, she was eligible for promotion to a GS-4 clerk-typist position at that time.

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In Mary Lee Groover, B-190174, April 21, 1978, we considered the situation of a GS-4 employee who was detailed to a position two grades higher than her appointed position. Although the employee was not eligible for promotion to the GS-6 position to which she was detailed, we held that she was entitled to a retroactive temporary promotion to grade GS-5 beginning on the 121st day of the detail.

Accordingly, Ms. Leber may be promoted to grade GS-4 beginning on the 121st day of her detail. The Settlement Certificate of October 25, 1978, issued by the Claims Division is modified to the extent it is inconsistent with the above.



For the Comptroller General  
of the United States