

DECISION

11349 PLI
THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

FILE: B-194731

DATE: September 10, 1979

MATTER OF: William J. Russell, Jr. - [Claim for Backpay for
Detail to Higher-Graded Position]

DIGEST: Employee not entitled to earlier period of detail where he had not satisfied 1-year-in-grade requirement of the Whitten Amendment. Evidence in case fails to show employee performed higher-graded duties after September 25, 1975. Employee has failed to sustain burden of proof to support his claim.

Mr. William J. Russell, Jr. has appealed from a denial in part by our Claims Division of his claim for a retroactive temporary promotion and backpay.

Mr. Russell states that he performed the higher-graded duties of a GS-6 Flight Chief, and Assistant Flight Chief, during the period January 1, 1974, to January 25, 1976. Thus, he contends he is entitled to a temporary promotion and backpay on the basis of our Turner-Caldwell decisions, 55 Comp. Gen. 539 (1975), and 56 id. 427 (1977), which held that employees are entitled to temporary promotions for extended details to higher-level positions, provided they meet certain requirements.

The Department of the Air Force agreed that Mr. Russell was performing the higher-graded duties for the period September 15, 1974, to September 14, 1975. He was granted a retroactive temporary promotion from GS-5 to GS-6 for that period. Upon his request for reconsideration, our Claims Division determined that Mr. Russell was entitled to additional backpay at the GS-6 level from September 15 to September 25, 1975. The record shows that Mr. Russell was returned to lower-grade duties at that time. AGC00035

On this appeal Mr. Russell argues that the early period of his claim for backpay from January 1 to September 14, 1974, was ignored in the settlement. We disagree because he was not eligible for promotion during that period. In our Turner-Caldwell decisions, supra, we stated that eligibility for a retroactive temporary promotion requires compliance with applicable statutory and regulatory requirements. Among these requirements are the time-in-grade provisions of the Whitten Amendment. Mr. Russell was promoted to GS-5 on September 16, 1973; therefore, he was not eligible for promotion to

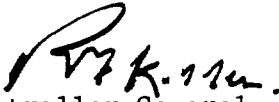
~~006923~~

B-194731

GS-6 until September 15, 1974. Robert Rann, B-191768, October 2, 1978; Friedman, Baker, and Holmes, B-189690, February 16, 1978, as modified by Mary Lee Groover, B-190174, April 21, 1978. Further, Mr. Russell was notified of this requirement by a Civilian Personnel Officer by letter of September 20, 1977.

Mr. Russell also alleges that he was detailed beyond the period his claim was allowed. However, there is nothing in the file to support such contention nor has he provided any such evidence from an official source. Claims against the United States cannot be allowed unless they are verified or corroborated by Government records or other documentary evidence. Mr. Russell has not met his burden of establishing the liability of the United States and his right to payment for the latter period. See 4 C.F.R. § 31.7 (1978). Valerie J. Goodwin, B-194125, June 6, 1979; Patrick J. Fleming, B-191413, May 22, 1978; John R. Figard, B-181700, January 18, 1978.

Accordingly, the action taken by our Claims Division partially disallowing Mr. Russell's claim is sustained.


Deputy Comptroller General
of the United States