

13182 PLH

Kramer



**DECISION**

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

FILE: B-195650

DATE: March 19, 1980

MATTER OF: Freda E. Falatko

**DIGEST:** Employee of the Department of the Navy requests a retroactive temporary promotion from grade GS-11 to GS-12 beginning January 8, 1973, for performing the duties previously performed by her supervisor. Claim is denied as record shows that GS-12 position was cancelled prior to time employee met CSC Handbook X-118 requirements for promotion to GS-12 position. See cited decisions.

By a letter dated July 5, 1979, Ms. Freda E. Falatko appealed Certificate of Settlement No. Z-2802143, issued March 15, 1979, which denied her claim for a retroactive promotion and backpay to grade GS-12 beginning January 8, 1973.

The record shows that in July 1971, Ms. Falatko, an Intelligence Assistant, GS-134-9, was assigned to the Customer Requirements Office of the Navy Field Operational Intelligence Office in Suitland, Maryland. After the assignment she was promoted to grade GS-134-10. On January 8, 1973, Ms. Falatko was designated Head, Customer Requirements Office by an office memorandum to replace Mr. Albert I. Pioso, a GS-12. Subsequently, she was promoted to grade GS-134-11, effective August 19, 1973. On March 15, 1978, she requested a retroactive temporary promotion to grade GS-12 from January 8, 1973, until the present based on our decision Turner-Caldwell, 55 Comp. Gen. 539 (1975), affirmed 56 id. 427 (1977).

In evaluating this claim we requested an administrative report from the Department of the Navy. That report indicated that the position which included the duties of Head, Customer Requirements Office, previously held by Mr. Pioso, was classified as an Intelligence Research Specialist, GS-132-12 by Position No. 35-71 of January 27, 1971. This position was cancelled by the Consolidated Civilian Personnel Office, Washington Navy Yard, on April 15, 1974, as a result of an annual maintenance review. In addition, the report stated that

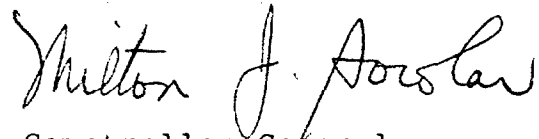
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Civil Service Commission Qualifications Standards Handbook X-118 establishes the requirements of 3 years general experience and 3 years specialized experience to qualify for promotion to Intelligence Research Specialist, GS-132-12. While Ms. Falatko had the necessary general experience to qualify for promotion to GS-132-12, she did not obtain the 3 years of specialized experience required for GS-132-12 until July 1974, that is, 3 years after she began working in the Customer Requirements Office and after the position had been cancelled.

In Leola Y. Harris, B-187032, November 30, 1977, it was held that an employee must meet the qualifications requirements contained in CSC Handbook X-118 for a promotion to a higher grade in order to be eligible for a retroactive temporary promotion under Turner-Caldwell, supra. In Robert C. Klick, B-193348, April 10, 1979, it was held that an employee, who was assigned the duties previously performed by his supervisor when the supervisor's position was abolished, was not entitled to a retroactive temporary promotion. Federal employees are entitled only the salaries of the positions to which they are actually appointed regardless of the duties performed. United States v. Testan, 424 U.S. 392 (1976). Hence, Ms. Falatko was not entitled to a grade GS-12 salary for the period January 8, 1973, to the present, on the basis that she performed duties commensurate with those previously performed by a grade GS-12 employee.

Accordingly, since the GS-12 position which included the duties of Head, Customer Requirements Office, was abolished on April 15, 1974, prior to the time Ms. Falatko became eligible for promotion, the settlement of our Claims Division is sustained.



FOR THE Comptroller General  
of the United States