

Kirkpatrick

17145



DECISION

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

FILE: B-197727

DATE: February 26, 1981

MATTER OF: Ebelardo Salazar - Backpay - Detail to
Higher Grade

DIGEST: Electronic Mechanic WG-10 claims back pay for alleged extended detail to Electronic Mechanic WG-11 position. Supervisors stated employee performed WG-11 duties and Air Force initially credited some WG-11 experience in his qualification record, but subsequently determined that duties alleged to have been performed were properly classifiable at WG-10 and withdrew the WG-11 experience credit. Claim may not be allowed since statements that claimant performed WG-11 duties are not sufficient to establish that employee performed full range of duties of WG-11 position through the period claimed as required by Turner-Caldwell.

Mr. Ebelardo Salazar has appealed the disallowance by our Claims Group of his claim for retroactive temporary promotion and backpay based on Turner-Caldwell, 55 Comp. Gen. 539 (1975), affirmed 56 Comp. Gen. 427 (1977). As herein after explained, we must sustain this disallowance.

Mr. Salazar contends that from February 25, 1972, through October 1975 (approximately 3 years and 8 months), while he was employed by the Department of the Air Force as an Electronics Mechanic WG-10, he was in fact detailed to the position of Electronics Mechanic WG-11. The record discloses in support of his claim the following:

- (1) An Amendment to Personnel Qualifications Statement, SF 172, submitted by Mr. Salazar on February 25, 1975, requesting that he be credited with 3 years experience at the WG-11 level and listing the duties he had been performing.

114452

615680

B-197727

(2) A computer printout indicating that the Air Force initially credited him with 18 months of WG-11 experience as a result of his submission of the SF 172. The record contains no explanation as to why only half the time claimed was credited.

(3) Four memorandums from supervisors covering various periods of the time claimed and containing such statements as: "job assignment was in an area of work where WG-11's are predominantly utilized." - "Inter-twining assignments between WG-10's and WG-11's *** seems to have been a way of doing business" - "heavy work load with too few WG-11's to accomplish the job" - "at times necessary to utilize personnel out of their job descriptions" - "performed WG-11 assignments during the approximately 14 months I was assigned to MAIPA" - "technical knowledge of electronic theory was utilized beyond his job description's duties and responsibilities" - "methodically tested, overhauled, modified, callibrated, and aligned various components of the APN-59 system" - "performed duties that are classified in the WG-11 position description with very little supervision" - "generally the work involved components testing "*****" - "did perform satisfactorily in task assignments then recognized as WG-11 for the approximate year during which he was assigned to my organization."

None of these statements specifically allege that claimant performed the full range of duties of the WG-11 position for the periods involved. Two statements mention work on components of systems as distinguished from complete systems. Three statements mention comingling of WG-10 and WG-11 work.

The Air Force denied Mr. Salazar's claim and forwarded it here at his request. The Department states that the 18 months of WG-11 experience was credited in error without classification review of the SF 172, that the duties described therein are properly classifiable at WG-10 - not WG-11, that the experience has been deleted from the record, that the duties described in the supervisor's statements - particularly the references to work on components of systems as opposed to complete

B-197727

systems - are WG-10 duties, and that if Mr. Salazar's duties were the same as those of WG-11's, then the WG-11's were performing WG-10 work - not the other way around.

Our Claims Group sustained the Air Force's disallowance of Mr. Salazar's claim and he appealed on the grounds that the WG-11 experience was improperly deleted from his record and that his supervisors had the most direct knowledge of his work and their evaluation of it should be accepted over that of the agency position classification specialists.

Turner-Caldwell holds that if an employee is detailed to a position classified in higher grade than his assigned grade for a period in excess of 120 days without Civil Service Commission approval, he is entitled to a retroactive temporary promotion and backpay for such period, provided he would have "met all qualifications and other requirements ..." for such a promotion.

However, an employee claiming a retroactive promotion and back pay for an alleged extended detail to a position classified in higher grade under Turner-Caldwell has the burden of proving that he performed the full range of duties set forth in the description for the position to which the detail is alleged. It is not sufficient to show that he performed some of the duties of the higher grade position. Thomas L. Tybursk, B-196175, August 6, 1980. The evidence submitted by Mr. Salazar does not meet this burden.

Accordingly, the disallowance of Mr. Salazar's claim must be sustained.

Milton J. Aroslaw

For the Comptroller General
of the United States