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DECISION



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

FILE: B-200550

DATE: June 28, 1982

MATTER OF: George Lane - Retroactive Temporary
Promotion and Backpay

DIGEST: Employee claims retroactive temporary promotion and backpay due to detail from GS-12 to GS-13 position while employed by the Department of the Army. He seeks retroactive temporary promotion and backpay under our Turner-Caldwell decisions. However, the Court of Claims ruled in Wilson v. United States Ct. Cl. No. 324-81C, Order, October 23, 1981, that employees have no entitlement under statute or the Federal Personnel Manual to temporary promotion for overlong details. Since we have recently ruled that we will follow the Wilson decision and no longer follow our prior Turner-Caldwell decisions with respect to pending or future cases, the employee's claim is denied. See Turner-Caldwell III, B-203564, May 25, 1982.

The issue in this decision is the entitlement of an employee to a retroactive temporary promotion and backpay incident to an overlong detail to a higher graded position, based on our Turner-Caldwell decisions.

Mr. George Lane, an employee of the Department of the Army, has appealed our Claims Group settlement (Z-2818604, August 26, 1980), denying his claim for a retroactive temporary promotion and backpay incident to an overlong detail. Our Claims Group denied Mr. Lane's claim on the basis that he was not detailed to an established, classified position.

Mr. Lane's claim rests upon our Turner-Caldwell decisions, 55 Comp. Gen. 539 (1975), sustained in 56 Comp. Gen. 427 (1977), which held that employees who were detailed to higher graded positions more than 120 days without prior approval by the United States Civil Service

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Commission (now Office of Personnel Management), are entitled to temporary promotions and backpay beginning on the 121st day of the detail. Recently, the United States Court of Claims decided in Wilson v. United States, Ct. Cl. No. 324-81C, Order, October 23, 1981, that neither the applicable statute (5 U.S.C. § 3341) nor the Federal Personnel Manual authorizes retroactive temporary promotion and backpay in cases involving overlong details.

In Turner-Caldwell III, B-203564, May 25, 1982, on the basis of the Wilson decision, we held with respect to all claims submitted here for decision, both pending and future, that we would no longer follow our prior Turner-Caldwell decisions. Accordingly, Mr. Lane's claim is denied.

for *Henry W. Chen*
Comptroller General
of the United States