

DECISION



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PLA-1  
THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548

FILE: B-195944

DATE: January 23, 1980

MATTER OF: Elmer R. Franklin - <sup>Claim for</sup> Retroactive Temporary  
Promotion

DIGEST: Employee is not entitled to retroactive temporary promotion because he was not detailed to, and did not perform, all the principal duties of an established position at a higher-level than he was paid.

Mr. Elmer R. Franklin requests reconsideration of his claim for a retroactive temporary promotion based upon a detail to a higher-level position. Our Claims Division disallowed the claim by Settlement Certificate No. Z-2811592, August 10, 1979.

The issue is whether Mr. Franklin was assigned and performed all of the principal duties of an established and classified position at a higher grade in accordance with our decision in Matter of Patrick J. Fleming, B-191413, May 22, 1978.

Mr. Franklin is employed by the National Aeronautics and Space Administration, Marshall Space Flight Center, Huntsville, Alabama. The position to which he is formally assigned is Labor Leader, WL-3502, at grade 3. However, he claims that he was assigned the duties of Labor Foreman (Labor Supervisor, WS-3502) at grade 5, after December 8, 1977. DLG-03674

Mr. Franklin may have performed some additional supervisory duties after the incumbent of the Labor Foreman position retired on December 12, 1977. However, at the time of the retirement the labor staff had been reduced to three and by March 10, 1978, to one supervised laborer. When the Labor Foreman position was established on April 19, 1967, the work force supervised had varied from 5 to 15. Mr. Charles D. Mann, Chief Classification Division, has stated that the duties Mr. Franklin says he performed could not be classified as Labor Foreman duties. Mr. Carl D. Gates, Chief, Operations and Maintenance Division, says that Mr. Franklin's additional duties have been limited to that of timekeeping and assigning jobs to some employees and that he exercised technical supervision over only one employee. Based upon these facts, Mr. Franklin's employing office concluded that the official position occupied by the Labor Foreman who retired in December 1977 no longer

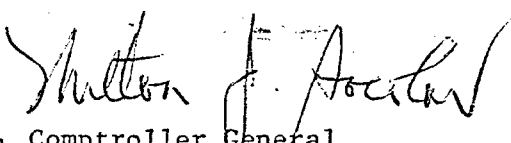
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exists as an officially established position and that Mr. Franklin was not assigned, nor did he perform, the duties described for that position.

We agree with these conclusions. Although Mr. Franklin by letter of August 16, 1979, transmitted to our Claims Division a copy of a "Time for the Month Record," dated December 1, 1977, this document shows only that he signed a time and attendance report for seven employees in addition to himself. It indicates that two of these employees retired in December, including the former incumbent of the Labor Foreman position. Of the five remaining, two were at grades higher (WG-11 and WG-8) than either the Labor Foreman or Mr. Franklin, indicating that they were not subordinates. As indicated by the employing agency, two other employees left by March 10, 1978. Consequently, the time report tends to substantiate that Mr. Franklin is not entitled to a retroactive temporary promotion because he did not perform all of the principal duties of a higher-level position.

Accordingly, the disallowance of Mr. Franklin's claim by our Claims Division is sustained.

  
For the Comptroller General  
of the United States