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DECISION



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

FILE: B-203008

DATE: July 7, 1981

MATTER OF: Clarine B. Wynn - Retroactive Promotion

DIGEST: Grade GS-4 employee claims to have performed duty subsequently performed by incumbent of GS-7 position. Retroactive promotion and backpay for detail to higher grade position may not be allowed even though agency does not dispute that employee performed duties in question because employee has not submitted evidence to show that she was assigned to and did, in fact, perform full range of duties of the higher grade position.

By a letter dated March 31, 1981, Mrs. Clarine B. Wynn appealed Settlement Certificate No. Z-2828924, issued March 24, 1981, which disallowed her claim for a retroactive promotion and backpay. For the reasons indicated below we affirm the disallowance of Mrs. Wynn's claim.

Mrs. Wynn, a Property Disposal Clerk, GS-1107-04, at the Defense Supply Agency's Defense Property Disposal Office in Norfolk, Virginia, seeks a retroactive temporary promotion and backpay under Federal Personnel Manual (FPM) Bulletin 300-40, May 25, 1977, for having performed the duties of Property Utilization Specialist, GS-1104-07. For the period from January 10 to August 15, 1975, during which she was assigned to the Property Management Branch, she claims to have performed specific duties. She states that these duties were subsequently performed by a GS-7 Property Utilization Specialist assigned to another branch.

In support of her claim, Mrs. Wynn has provided statements of co-workers to corroborate her claim to have performed the duties in question. In fact, the agency does not dispute that she performed the duties claimed. Rather, the agency's position is that the specific duties were included in her own GS-4 Position Description and that she was not otherwise detailed to the higher grade position.

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Based on our review of the Position Descriptions submitted in support of Mrs. Wynn's claim, we are unable to find that she has established that she was in fact detailed to the higher grade GS-7 position. We recognize that there is a dispute between the claimant and the agency as to whether the duties she performed were within the scope of her own Position Description or whether they were in the Position Description of the GS-7 position. We are unable to find that the specific duties are allocated exclusively to either position. However, resolution of this dispute between the claimant and the agency is not critical to the determination of Mrs. Wynn's entitlement to retroactive temporary promotion with backpay.

While the duties in question may have been among those subsequently performed by the incumbent of the GS-7 position, the Position Description applicable enumerates many duties which Mrs. Wynn does not claim to have performed. As indicated in Francis W. McConnell, B-193975, October 3, 1979, an employee seeking to recover backpay on the basis of an alleged detail to a higher grade position must submit evidence to establish that he was assigned to and did, in fact, perform the full range of duties of the higher grade position. Also see Robert Creel, B-193748, January 25, 1980.

Paragraph 8F of FPM Bulletin 300-40 discusses the documentation necessary for substantiating a detail. Acceptable proof includes:

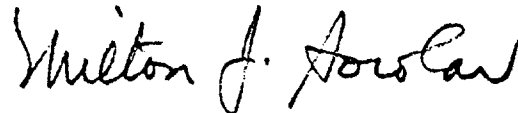
- "- copies of Standard Forms 50 or 52, or official memoranda of assignment from the employee's possession,
- "- a written statement from the person who supervised the employee during the period in question, or other management official familiar with the work, certifying that to his or her personal knowledge the employee performed the duties of the particular established, classified position for the period claimed, or

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"- a decision under established grievance procedures."

The burden is on a claimant to prove every element of a claim. John R. Figard, B-181700, January 18, 1978. However, Mrs. Wynn has been unable to provide any of the documentation required by FPM Bulletin 300-40. While Mrs. Wynn has submitted statements from fellow employees, those statements are insufficient to establish that she was detailed to the full range of duties of the GS-7 position in question. Earl Gums, B-196636, January 7, 1980; William L. Degraw, B-194369, August 24, 1979.

Since Mrs. Wynn has not supplied sufficient documentation to demonstrate that she was detailed to a higher grade position, the disallowance of her claim by our Claims Group is sustained.



Acting Comptroller General
of the United States