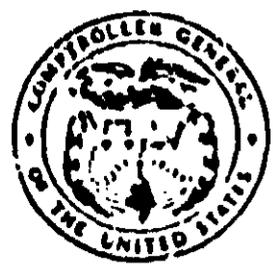


DECISION



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

FILE: B-203078

DATE: July 7, 1982

MATTER OF: Clarine B. Wynn

DIGEST: Former GS-4 employee of the Defense Supply Agency claims she was detailed to perform duties of GS-7 position and requests reconsideration of our decision Matter of Wynn, B-203008, July 7, 1981, in which her claim for a retroactive temporary promotion and backpay based on our Turner-Caldwell decisions was denied. 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 promotions 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.

Mrs. Clarine B. Wynn, formerly an employee of the Defense Supply Agency, through her attorney, has requested reconsideration of Comptroller General decision Matter of Wynn, B-203008, July 7, 1981, denying her claim for a retroactive promotion and backpay from grade GS-4 to GS-7 incident to an overlong detail. Mrs. Wynn's claim is based 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 grade positions more than 120 days without prior approval of the United States Civil Service Commission (now Office of Personnel Management) are entitled to temporary promotions and backpay beginning on the 121st day of the detail. Mrs. Wynn's claim was previously denied on the grounds that she did not provide sufficient documentation to establish that she performed the full range of duties of the GS-7 position to which she alleged she was detailed.

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 a retroactive 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 that with respect to all claims

B-203008

submitted here for decision, both pending and future, that we would no longer follow our prior Turner-Caldwell decisions. Accordingly, Mrs. Wynn's claim is denied.

Shelton J. Fowler
Acting Comptroller General
of the United States