



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

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OCT 11 1973

B-179432

Mr. Roger T. Kaplan
National Association of Government
Employees
1341 G Street, N.W.
Washington, D.C. 20005

Dear Mr. Kaplan:

We refer to your letter dated August 7, 1973, on behalf of Mr. Frederick J. Bohlander, an employee of the Department of the Navy, requesting review of our settlement dated June 28, 1973, which disallowed his claim for additional compensation for the period July 2 to August 20, 1972.

The record indicates that Mr. Bohlander was temporarily promoted from the position of Equipment Specialist (GS-11/8) to that of Supervisory Equipment Specialist (GS-12/4) and on July 2, 1972, he began performance of the higher position. However, the effective date of his promotion on SF-50 (Notification of Personnel Action) was shown to be August 20, 1972. The administrative office held that a revised Form 50 showing the promotion effective July 2, 1972, could not be processed because promotions may not be made retroactive. Review of our disallowance of Mr. Bohlander's subsequent claim is requested on the ground that an administrative error was made as to the effective date of the promotion.

It is well-settled law that Federal Government employees are entitled only to the salaries of positions to which they are appointed regardless of the duties they actually perform. Ganse v. United States, 180 C. Cls. 183 (1967). Also, the rule for determining the effective date of a change of salary resulting from administrative action is the date of approval thereof by a proper administrative official, or such subsequent date as may be administratively fixed. See 21 Comp. Gen. 95, 96 (1941); 30 id. 156 (1950), and decisions cited therein. Moreover, salary increases may ordinarily not be made retroactively. However, it has been held that when an employee has become eligible for a compensation increase under agency regulations, administrative action retroactively correcting an error or oversight in processing the necessary documents to grant the increases will not be regarded by us as a prohibited retroactive adjustment. See 37 Comp. Gen. 300 (1957).

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In the instant case the record indicates that the original Form 50 making Mr. Bohlander's promotion effective August 20, 1972, was processed in accordance with governing regulations to the official in the personnel office who was authorized to approve personnel actions. Since there was no error on his part in fixing the promotion date, and the promotion was processed promptly upon his approval, there is no basis for a retroactive pay adjustment. Accordingly, the disallowance of Mr. Bohlander's claim is sustained.

Sincerely yours,

Paul G. Dembling

For the Comptroller General
of the United States