

DECISION



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

Kirkpatrick P. L. I

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FILE: B-193522

DATE: January 30, 1979

MATTER OF: Joseph Fortuna - Retroactive Temporary Promotion

DIGEST: *AGCS*
A Navy employee was reassigned to a position at the same grade level and occupational series as his previous position (Computer Systems Analyst GS-334-11). Later he was reassigned to another similar position. Although the employee performed some GS-12 duties, he is not entitled to a retroactive promotion *when* ~~since~~ he was never assigned to a position classified and established at a higher grade than his first position *[Employee]*

This matter is in response to the request of Mr. Joseph Fortuna to reconsider the denial of his claim of a retroactive temporary promotion from a GS-11 position to a GS-12 position based on an alleged detail to a GS-12 position during the period January 1972 to October 13, 1974. The claim was denied by our Claims Division in its Settlement Certificate Z-2789991, September 26, 1978.

The record indicates that Mr. Fortuna is employed by the Navy Fleet Material Support Office, Mechanicsburg, Pennsylvania. While employed there he was reassigned between January 23, 1972, and August 5, 1973, as Computer Systems Analyst GS-334-11. His previous position bore the position number 5945, Code 96143. The position to which he was reassigned had the position number 10098, Code 96173. From August 5, 1973, to October 13, 1974, Mr. Fortuna was assigned to the position of Computer Systems Analyst, GS-334-11, position number 5944. All positions were officially classified and established at the GS-11 grade level in the same occupational series, Computer Systems Analyst GS-334. During the entire period of the claim Mr. Fortuna worked on the same project and performed some duties at a performance level not normally expected of a GS-11.

Although Mr. Fortuna's duties may have warranted a higher grade, there is no evidence of reclassification actions officially establishing the positions occupied by him at grade GS-12 between January 23, 1972, and October 13, 1974. Since Mr. Fortuna was assigned to GS-11 positions during the period of his claim and not detailed to any GS-12 position, he is not entitled to a retroactive

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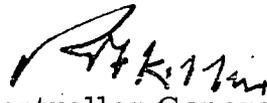
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B-193522

temporary promotion. See Matter of Patrick J. Fleming, B-191413, September 19, 1978.

Mr. Fortuna's claim refers generally to possible restoration of annual leave that he used to attend school, payments for attending schools, and backpay based on the Navy's alleged failure to authorize overtime work. The adjustment of an employee's workweek to permit him to attend school without a charge to leave and the authorization of training expense and overtime are matters ordinarily within the discretion of agency management to grant or deny. In view of the above and since Mr. Fortuna did not make a specific claim or present any evidence to support entitlement to those benefits we have no basis to consider such matters.

Accordingly, the Claims Division's denial of Mr. Fortuna's claim is sustained.


Deputy Comptroller General
of the United States