

## DECISION



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

FILE: B-203621

DATE: July 7, 1982

MATTER OF: William C. Dulin

**DIGEST:** Former GG-13 employee of the Government Printing Office, who alleges he was detailed to a GG-14 staff assistant position in the Office of the Public Printer, appeals denial by our Claims Group of claim for retroactive promotion and backpay under our Turner-Caldwell decisions. 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.

The issue in this decision is the entitlement of an employee to a retroactive temporary promotion and backpay incident to an overlong detail to a higher grade position based on our Turner-Caldwell decisions.

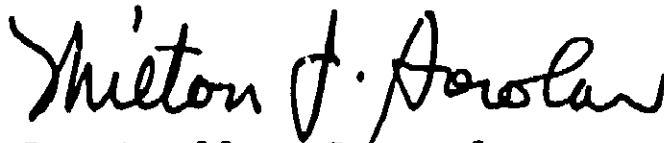
Mr. William C. Dulin, a former employee of the Government Printing Office, has appealed the action of our Claims Group (Z-2822945, March 4, 1981), denying his claim for a retroactive temporary promotion and backpay from grade GG-13 to a GG-14 Staff Assistant position in the Office of the Public Printer. Mr. Dulin's claim was denied on the basis of a statement by the Government Printing Office that there was no established and classified GG-14 position of Staff Assistant in the Office of the Public Printer.

Mr. Dulin'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 by 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

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detail. 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 temporary 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 with respect to all claims submitted here for decision, both pending and future, that we would no longer follow our prior Turner-Caldwell decisions. Accordingly, Mr. Dulin's claim is denied.



Acting Comptroller General  
of the United States