

**DECISION**

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

118613

FILE: B-206539

DATE: June 7, 1982

MATTER OF: John A. Fowler - Claim for temporary  
promotion incident to overlong detail

DIGEST: Employee claims he was detailed to higher graded journeyman level duties for period from March 1975, to April 1979, and he seeks retroactive temporary 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 graded position based on our Turner-Caldwell decisions. Since we have recently decided to follow the decision by the Court of Claims in A. Leon Wilson v. United States, Ct. Cl. No. 324-81C, Order, October 23, 1981, which reaches the opposite result from our Turner-Caldwell decisions, and, therefore, to no longer follow those decisions, we hold that the employee's claim must be denied.

Mr. John A. Fowler and Local 1920 of the American Federation of Government Employees have appealed our Claims Group settlement (Z-2831149, June 24, 1981) denying Mr. Fowler's claim for a retroactive temporary promotion and backpay incident to an overlong detail. Our Claims Group denied Mr. Fowler's claim on the basis of insufficient evidence to prove that he was in fact detailed.

Mr. Fowler's claim rests upon our Turner-Caldwell decisions, 55 Comp. Gen. 539 (1975), sustained in 56 Comp. Gen. 427 (1977), which hold that employees

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who were detailed to higher graded positions more than 120 days without prior Civil Service Commission approval are entitled to temporary promotions beginning on the 121st day. Recently, the Court of Claims decided in Wilson v. United States, above, 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, we reviewed the Wilson decision, and we decided to follow Wilson with respect to all pending and future claims and to no longer follow our prior Turner-Caldwell decisions. Accordingly, since Mr. Fowler's claim rests upon our prior Turner-Caldwell decisions, which are no longer being followed, his claim must be denied.

for   
Comptroller General  
of the United States