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PLM-1  
Mr. Ki-Kpatrick

**DECISION**



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

*[Entitlement to Retroactive Temporary Promotion]*

**FILE:** B-196405

**DATE:** April 4, 1980

**MATTER OF:** Orin T. Hanson - Detail to Higher Grade Position

**DIGEST:** Employee is entitled to retroactive temporary promotion after 120th day of detail to higher-level position for continuous period of detail although higher level position was abolished during part of detail period. Employee performed higher-level duties during entire period of detail, higher-level position was erroneously abolished incident to reorganization, and position was reestablished, although under different number, when error was discovered.

Elmer Dovel, Director, Personnel Division, Agriculture Stabilization and Conservation Service, requested a decision whether Mr. Orin T. Hanson may be granted a retroactive temporary promotion for the entire period of a detail to a higher-level position although the higher-grade position was arbitrarily abolished during part of the period of the detail.

On November 26, 1976, Mr. Hanson was detailed to perform the duties of Agriculture Program Specialist, GS-1145-14, Position Description No. 10213. These duties were to serve as Assistant to the Director, Conservation and Land Use Programs Division, Agricultural Stabilization and Conservation Service. His regular position was Agriculture Program Specialist, at grade level GS-13. Initially Mr. Hanson's detail was required because the incumbent of the higher-level position was detailed to a different position. On June 7, 1977, the incumbent was promoted, leaving the position vacant. However, Mr. Hanson continued to perform the higher-level duties while the position was vacant. Official notice, AO Notice 551 dated September 12, 1977, publicly announced the detail pursuant to a reorganization changing the name of the Conservation and Land Use Programs Division to Conservation and Environmental Protection Division. Since there was a major reorganization, all vacant positions including Position Description No. 10213, were arbitrarily abolished, effective January 27, 1978, to "clean up" the computer based organizational listing. However, the position description should not have been abolished since the position was required and Mr. Hanson continued to perform the duties of the position

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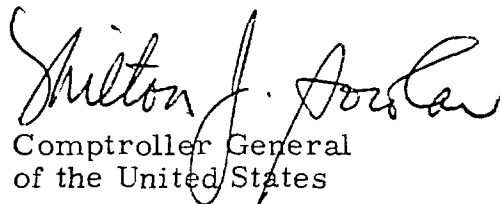
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pursuant to AO Notice 551. On June 8, 1978, the position to which Mr. Hanson was detailed was classified as Agriculture Program Specialist, GS-1145-14, Assistant to the Director, under Position Description No. 14506. Effective April 6, 1979, Mr. Hanson's detail was terminated and he returned to his former duties as a GS-1145-13.

We have held that an employee whose detail to a higher-level position begins after a higher-level position was abolished during a reorganization, did not serve in an established position as required for a retroactive temporary promotion, even though the position was later reclassified and reestablished at the same grade level as before the reorganization. Helen Mansfield, B-192765, May 9, 1979. However, the facts in this case are different than those in Mansfield. Mr. Hanson was detailed to a higher-level position before the position description was abolished after a major reorganization. In this connection the Personnel Director states that Mr. Hanson continued to perform the higher-level duties of Assistant to the Director under the reorganization pursuant to AO Notice 551. The Personnel Director also states that the position was erroneously abolished and that when the error was discovered the position was reestablished, although under a new number. Under such circumstances we believe that Mr. Hanson was continuously detailed to the higher-level position for the entire period from November 6, 1976, to April 6, 1979.

In view of the above, Mr. Hanson is entitled to a retroactive temporary promotion based upon the continuous period of the detail. However, the temporary promotion and backpay are limited to the period after the 120th day of the detail. Turner-Caldwell, 56 Comp. Gen. 427 (1977).



For The Comptroller General  
of the United States