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UNITED STATES GENERAL ACCOUNTING OFFICE  
WASHINGTON, D.C. 20548



OFFICE OF GENERAL COUNSEL

IN REPLY  
REFER TO: B-196595 (THK)

DEC 7 1979

Mrs. Georgia McGuire  
67 Burgess Glen  
Sumter, South Carolina 29150

*Do not make available to public reading*

Dear Mrs. McGuire:

By letter received in this Office on October 29, 1979, you requested information on your entitlement to reimbursement for lost job opportunities and chances for advancement you would have received had you not been subjected to an unjustified or unwarranted personnel action resulting in your involuntary separation from an Air Force position as a Clerk-Stenographer, GS-3.

Evidently your involuntary separation and later reemployment at the GS-2 level were the result of an unjustified or unwarranted personnel action arising because your employing office had considered you had not completed your probationary period even though, as determined some years later, you had actually done so. In this connection the Office of Personnel Management advised Senator Ernest F. Hollings on July 19, 1979, that apparently your agency had determined that you had undergone an unwarranted or unjustified personnel action and that you had been reimbursed for step increases lost, as well as any other actual money to which you were entitled but had not received, because of such personnel action. The letter also said that under Federal Personnel Manual, chapter 550, subchapter 8-5, additional reimbursement for "embarrassment, lost opportunities for advancement, etc., is not specifically authorized."

Concerning lost opportunities for advancement, we have held that normally employees have no vested right to promotions at any particular time, except as provided by agency regulations or a collective bargaining agreement with an employees' union. See 54 Comp. Gen. 403, 406 (1974), copy enclosed. You do not indicate that any Air Force regulation or collective bargaining agreement gave you any entitlement to a grade promotion. With respect to your request that we investigate how many times you were not considered for promotion because of any untruthful statements in your records, as well as your priority to a clerk-stenographer position, we must advise you that such matters are not pertinent to any monetary claim we might award as a result of an

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investigation. Consequently, our investigation would be inappropriate. Also, there is no authority to give you additional step increases to compensate for embarrassment resulting from the improper action because the remedy provided by the Back Pay Act, 5 U.S.C. § 5596, is limited to the amount of pay and allowances the employee would have received but for the improper personnel action.

However, you are entitled to file a claim with our Claims Division for any amount you believe you may be due. The proceedings for filing a claim are in Part 31, title 4, Code of Federal Regulations, copy enclosed.

We regret that we cannot give your request more favorable consideration.

Sincerely yours,

Robert L. Higgins

Robert L. Higgins  
Assistant General Counsel

Enclosures