

Excision #465

I. GRIEVANCE

On [date], [the grievant], FSS-3 employee of the [Agency], filed a grievance with the Foreign Service Grievance Board requesting that the Board rectify an acknowledged administrative error on the part of the Agency- The grievant holds - and the Agency agrees that, had she been competed before the [number] Annual Specialist Selction Baord when it first convened rather than at a subsequent reconvening, the promotion she received as as a result thereof would have been effective on February 12, [year], instead of on July 30 as is now the case. As remedy, [the grievant] requests that the promotion be made retroactive to February 12, [year].

[The grievant's] grievance was placed before a member of the Board for decision on [date].

II. DISCUSSION

The filing of this grievance arises from the fact that [the grievant] was competed in the wrong specialty before the [number] Specialist Selection Board.

**In order to prevent an unwarranted invasion of privacy, names of individuals and other identifying information have been deleted from the attached material in accordance with Section 552(b)(6) of the Freedom of Information Act. These names and other identifying information are also withholdable under the Privacy Act.**

[The grievant] grieved this matter to the Agency on [date]. On [date], [name and title of the official], wrote [the grievant], in pertinent part, as follows:

"Our recent telegram informed you that the [number] Specialist Selection Board reconvened at our request on July 10, and you were recommended for promotion to class PSS-3. The required approval and clearances have been obtained and your promotion was effective on [date].

"You may wish to have your promotion made retroactive to [date], the date of your promotion would have been effective had you been competed properly before the Annual Selection Boards. Unfortunately, the Agency lacks authority to promote retroactively, except pursuant to a recommendation of a grievance board or an EEO examiner. Therefore, in order to secure the retroactive benefits of your promotion, you must pursue this matter with the Foreign Service Grievance Board as outlined in 3 FAM 660. Since the Agency was clearly in error in not competing you properly, we will not contest your filing with the Board."

### III. FIMPING

The Board has examined the Record of Proceedings in this case, and, on the basis of the facts contained therein, finds the grievance to be meritorious.

### IV. RE COMMENDATION

The Board recommends that [the grievant's] promotion to FSS-3, now effective on July 30, [year], be made

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effective retroactive to February 12, [year], pursuant to  
Section 623 of the Foreign Service Act of 1946, as amended.