

U.S. Office of Personnel Management  
Office of Merit Systems Oversight and Effectiveness  
Classification Appeals and FLSA Programs



Dallas Oversight Division  
1100 Commerce Street, Room 4C22  
Dallas, TX 75242

**Classification Appeal Decision**  
**Under Section 5112 of Title 5, United States Code**

**Appellant:** [the appellant et al.]

**Agency classification:** Military Personnel Technician  
GS-204-6

**Organization:** Retirement Branch  
Personnel Programs Division  
Directorate of Personnel  
Headquarters, [the installation]  
[city, state]

**OPM decision:** Military Personnel Clerk  
GS-204-5

**OPM decision number:** C-0204-05-02

/S/ Bonnie J. Brandon  
Bonnie J. Brandon  
Classification Appeals Officer

12/12/97  
Date

As provided in section 511.612 of title 5, Code of Federal Regulations, this decision constitutes a certificate that is mandatory and binding on all administrative, certifying, payroll, disbursing, and accounting officials of the government. The agency is responsible for reviewing its classification decisions for identical, similar, or related positions to ensure consistency with this decision. There is no right of further appeal. This decision is subject to discretionary review only under conditions and time limits specified in the Introduction to the Position Classification Standards, appendix 4, section G (address provided in appendix 4, section H).

Since this decision lowers the grade of the appealed position, it is to be effective no later than the beginning of the sixth pay period after the date of this decision, as permitted by 5 CFR 511.702. The servicing personnel office must submit a compliance report containing the corrected position description and a Standard Form 50 showing the personnel action taken. The report must be submitted within 30 days from the effective date of the personnel action.

The personnel office must also determine if the appellant is entitled to grade or pay retention, or both, under 5 U.S.C. 5362 and 5363 and 5 CFR 536. If the appellant is entitled to grade retention, the two-year retention period begins on the date this decision is implemented.

### **Decision sent to:**

[the appellant's name and address]

[name and address of appellant's service  
personnel office]

Director of Civilian Personnel  
U.S. Department of the Air Force  
1040 Air Force Pentagon  
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Chief, Classification Branch  
Field Advisory Services Division  
Defense Civilian Personnel  
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## **Introduction**

On September 8, 1997, the Dallas Oversight Division of the U.S. Office of Personnel Management (OPM) received a classification appeal from [the appellant et al.]. Their positions are currently classified as Military Personnel Technician, GS-204-6, and they work in the Retirement Branch; Personnel Programs Division; Directorate of Personnel; Headquarters, [the installation]; in [city, state]. Believing their positions should be classified as GS-7, the appellants appealed to the Department of Defense Civilian Personnel Management Service (CPMS). On March 18, 1997, CPMS determined the appealed positions were properly classified as Military Personnel Clerk, GS-204-5, and subsequently denied a request for reconsideration of its decision. The effective date of the CPMS decision has been suspended since the appellants filed an appeal with OPM. We have accepted and decided their appeal under section 5112 of title 5, United States Code (U.S.C.).

## **Position information**

The appellants have certified that their position description, number [number], is current and accurate.

The appellants approve or disapprove applications for transfer to the Retired Reserve, determine eligibility for special programs, audit records for determinations of entitlement to retired pay and establish complete pay accounts for [agency name] members retiring under title 10, U.S.C. They determine eligibility and compute annuity entitlement for beneficiaries of [agency name] members, assist beneficiaries of deceased members, administratively control applications for correction of military records, and respond to congressional inquiries and requests for former spouse identification cards. The appellants' position description and other material of record provide much more information about their duties and responsibilities and how they are performed.

## **Series and guide determination**

We find that the appellants' position is best covered by the Military Personnel Clerical and Technician Series, GS-204, and best graded using the Military Personnel Clerical and Technician, GS-204, position classification standard. Neither the agency nor the appellants disagree.

## **Title determination**

The GS-204 standard states that the title "clerk" applies to positions through GS-5, and the title "technician" applies to positions at grade GS-7 and above. The standard further states that either title may be used for positions at grade GS-6, depending upon the primary basis for the grade level of the position. Therefore, the appropriate title for the appellants' position will be assigned after the grade level is determined.

## **Grade level determination**

The GS-204 standard is written in narrative format and provides three factors which measure the relative grade value of the work: Nature of the assignment, Level of responsibility, and Knowledge and skill requirements.

### *Nature of the Assignment*

This factor measures the scope and technical complexity inherent in the assignment which make it more or less difficult to accomplish.

At the GS-5 level, assignments involve the independent processing of military personnel transactions which present complex and unusual procedural or substantive issues or the review of completed transactions which involve a wide variety of both procedural and substantive clerical work associated with one or more of the major specialized areas of military personnel administration. Such assignments are complicated by the necessity to reconstruct and verify a wide variety of facts relating to the transaction, and to select and apply a variety of rules, regulations, procedures, and precedents many of which are inherently complicated, difficult to interpret, and not widely or frequently applied. Advice and opinions provided by GS-5 Military Personnel Clerks frequently serve as the basis for personal decisions and action by military personnel or officials in matters having substantial career consequences. An example of GS-5 level work involves reviewing and responding to requests for service histories of former military personnel. This work involves extensive review of the record in relation to the then current rules and regulations in order to make determinations relating to the validity of past actions, and to provide the facts required to establish entitlement to a variety of veterans' benefits or claims based on prior service.

The appellants' position meets the GS-5 level. Their assignments involve performing all phases of the [agency name] retirement system, including approving or disapproving applications for assignment to the retired reserve; making final decisions in determining applicants' eligibility and in establishing creditable service for all members retiring under title 10; accurately establishing member's pay account and making required changes prior to and after the case has been completed; and determining eligibility and computing service for beneficiaries of the Reserve Component Survivor Benefit Plan. They compute service data and provide requested information for determining eligibility for former spouse identification cards. They prepare written replies and respond orally to inquiries. All of the appellants' work is procedural and covered by regulations which may require some interpretation in application. Their work may also require adaptation of guidelines and precedent decisions.

At the GS-6 level, duties involve assignments in one or more of the three broad areas of military personnel administration, i.e., staffing, status, and relations. The work typically is "case-oriented" and usually involves final decisions, or recommendations which are tantamount to final decisions, in matters of major career or service significance. For example, a clerk or technician at this level may serve as the final clerical reviewer or as an "action officer" in the final review and approval of military personnel transactions of the type described at the GS-5 level and serve as an "authoritative source" in the interpretation of rules and regulations as applied to specific sets of circumstances. Personal work contacts at this level usually involve the exploration of alternatives relating to highly important or sensitive cases.

The GS-6 level is not met. Although the appellants process a variety of actions involving retirement eligibility, verification of retirement points, etc., their work does not require the higher level analysis

or decision-making responsibility described at the GS-6 level. Even though the appellants' position description indicates that the appellants make final decisions in some instances, the final authority rests with the supervisor. While the appellants verify the accuracy of retirement eligibility and the information used to make these determinations, the supervisor is charged with ultimate responsibility for the accuracy of the actions taken and for resolving the most complex problems associated with interpreting regulations and/or policies as they apply to specific cases. Further, the appellants' personal contacts do not meet the level of those described at the GS-6 level. Although the appellants may explain or interpret rules and regulations, their supervisor is the authoritative source for the interpretation and application of public laws, etc., and has responsibility for ensuring that answers to technical and complex inquiries are complete and accurate.

GS-5 is credited for this factor.

### *Level of responsibility*

This factor evaluates the amount and kind of supervision received and the extent to which guidelines govern the work.

At the GS-5 level, military personnel clerks are held responsible for the factual accuracy and procedural and substantive sufficiency of the transactions processed or reviewed. Supervisory guidance and instructions relate to change in overall policies and procedures and discussions of the implications of new precedent decisions. Review of completed work focuses on the precedent setting or policy implications of the proposed action as opposed to detailed verification of the accuracy of findings of fact, interpretation of regulations or soundness of conclusions. Guidelines consist of the full range of laws, rules, regulations, policies, procedures, and precedent decisions applicable to the functional or subject-matter areas represented by the assignment. Precedent decisions form a particularly important part of the "regulatory framework" within which the work is accomplished.

The appellants' position meets the GS-5 level. Guidelines consist of the full range of laws, rules, regulations, policies, procedures, and precedent decisions. The supervisor provides suggestions for handling unusual problems which have no clear precedent and which are not covered by existing guidelines. Within this framework, the appellants use judgment in interpreting and adapting guidelines for application to specific cases or problems and are usually able to process the most difficult procedural and technical retired military actions without further reference to the supervisor. The appellants' work is evaluated for overall technical soundness and conformance with policies, procedures, and system requirements.

At the GS-6 level, military personnel clerks and technicians carry out individual work assignments with a high degree of independence. They are relied upon to provide "authoritative" recommendations or decisions regarding the interpretation or application of regulations and precedent. These frequently are accepted with little or no supervisory review. At this level, technicians are held responsible for the technical sufficiency and equity of their decisions in all noncontroversial or nonpolicy matters within their sphere of assignment.

The GS-6 level is not met. The appellants are a resource for procedural aspects of the [agency name] retirement program, as well as the other areas for which they are responsible. Decisions are made and actions taken in accordance with accepted practices, established procedures, and applicable regulations and guidelines in both routine cases and when applying new policy and system changes. The appellants are not responsible for independently making the final authoritative technical decisions or for providing the authoritative technical interpretation of regulations or precedent decisions required of the more complex cases having greater retirement and benefits consequences that are characteristic of the GS-6 level.

### *Knowledge and skill requirements*

This factor considers the breadth and depth of the specialized regulatory, procedural, or program knowledge required to do the work and the personal attributes and skills required for successful performance.

At the GS-5 level, military personnel clerks bring to the job a background of specialized knowledges and experience that enables them to interpret and apply precedents, and resolve complex procedural and substantive problems in concluding transactions. They are able to recognize the need for implementing or securing rulings on, or changes in, rules and regulations. They maintain effective work relationships in and outside of the office and are recognized as a primary point of responsible contact for the work involved.

The GS-5 level is met. The appellants apply knowledge and experience in the [agency name] retirement qualifications determinations procedures. They require training or on-the-job experience with an extensive body of rules, procedures, and operations to perform a wide variety of interrelated or nonstandard procedural assignments and resolve a wide range of problems. Their position requires specialized knowledge and expertise sufficient to allow for resolution of complex procedural and substantive problems in order to complete their assigned cases. They serve as a primary point of contact for identifying all regulatory changes in functions that will affect the processing of retirement applications and eligibility verification.

At the GS-6 level, military personnel clerks must possess a comprehensive knowledge of the majority of the laws, rules, regulations, policies, procedures and precedents relating to their particular areas of assignment, and the ability to apply this knowledge in the interpretation and application of regulatory and procedural requirements to complex cases.

The GS-6 level is not met. This level requires a more comprehensive knowledge of the guidelines and regulations than is required for the appellants' work which is more limited to record and document review and processing actions for transfer to the retired reserve. The appellants apply a working knowledge of the varied regulations, rules, procedures, and precedents applicable to their assignments which may require some interpretation in application. However, the inherent complexity, consequences to the prospective retiree cases, and the "finality" of action required in decisions or recommendations required at the GS-6 level do not exist in the appellants' positions.

GS-5 is credited for this factor.

### *Summary*

All three factors equate to the GS-5 level. Since the position is evaluated at grade GS-5, the appropriate title is Military Personnel Clerk.

### **Decision**

The appellants' positions are properly covered by the Military Personnel Clerical and Technician Series, GS-204, graded at GS-5, and titled Military Personnel Clerk.