

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

Atlanta Oversight Division
75 Spring Street, SW., Suite 1018
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Classification Appeal Decision
Under section 5112 of title 5, United States Code

Appellant: [appellant]

Agency classification: Injury Compensation Inspector
GS-1802-9

Organization: United States Marine Corps
U.S. Department of the Navy

OPM decision: GS-1802-9
(title at the agency's discretion)

OPM decision number: C-1802-09-04

Virginia L. Magnuson
Classification Appeals Officer

October 31, 2002
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).

Decision sent to:

[appellant]

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Introduction

On August 5, 2002, the Atlanta Oversight Division of the U.S. Office of Personnel Management (OPM) accepted a classification appeal for the position of Injury Compensation Investigator, GS-1802-9, [organization], United States Marine Corps, U.S. Department of the Navy, [location]. The appellant requests that his position be reclassified to Criminal Investigator, GS-1802-12. We received the agency's administrative report on September 19, 2002. We have accepted and decided his appeal under section 5112 of title 5, United States Code (U.S.C.).

The appellant's position is currently classified as Injury Compensation Investigator, GS-1802-9. It was reclassified from Criminal Investigator, GS-1811-11, on August 26, 2001, based on review and direction by the Office of the Deputy Assistant Secretary of the Navy (ODASN). Prior to appealing to OPM, the appellant filed a classification appeal review with the Department of Defense Civilian Personnel Management Service (CPMS). In a decision dated February 12, 2002, CPMS found the position to be properly classified as GS-1802-9, with a title at the agency's discretion.

This appeal decision is based on a careful review of all information furnished by the appellant and his agency. In addition, to help decide the appeal, an Oversight Division representative conducted separate telephone interviews with the appellant, his supervisor of record, and his operational supervisor.

General issues

The appellant compares his position to other criminal investigator positions in the organization where he works, at other Naval installations, and, in general terms, to FECA investigators classified as criminal investigators at other agencies. He makes various statements about his agency and its evaluation of his position. In adjudicating this appeal, our only concern is to make our own independent decision on the proper classification of his position. By law, we must classify positions solely by comparing their current duties and responsibilities to OPM standards and guidelines (5 U.S.C. 5106, 5107, and 5112). Since comparison to standards is the exclusive method for classifying positions, we cannot compare the appellant's position to others as a basis for deciding his appeal, and we have considered his statements only insofar as they are relevant to making that comparison.

The appellant requested that we consider evaluating his position based on the "impact of the person on the job" concept. This concept holds that, by virtue of exceptional competence, an incumbent may have such an impact on the duties, responsibilities, and qualification requirements of a position that it is changed to the point where its classification must also be changed. In comparing the appellant's official position description to controlling classification standards, we do not find that his duties, responsibilities, and qualification requirements warrant a higher grade when compared to the grade levels described in the standard. Use of the impact of the person on the job concept is, therefore, not appropriate.

Position information

The appellant is assigned to position description number [#]. The appellant's official supervisor and the Civilian Human Resources Office agree that the position description accurately reflects the appellant's duties and responsibilities. The appellant also concurs, but provided clarification of some of his tasks.

The appellant's position is organizationally aligned under the [organization]. However, the position is operationally supervised by the SSA, NCIS located on the base. A Memorandum of Agreement between [organization] and the NCIS Resident Agency at [location] specifies that [organization] will provide an investigator to conduct Federal Employees' Compensation Act (FECA) fraud investigations and the NCIS Resident Agency will provide immediate operational supervision of the investigator and oversight of felony investigations conducted under FECA guidelines. Our fact finding determined that NCIS has responsibility for felony cases stemming from investigations and jurisdiction for criminal investigation for fraud. [organization] provides FECA investigative support to other [location] Marine Corps Installations and tenant commands.

The position description states that the purpose of the position is to perform the full range of criminal investigative functions, delving into suspected or actual criminal violations of frauds, by recipients of benefits under FECA. The appellant develops investigations based on leads from Injury Compensation Program Administrators and anonymous tips and from review of FECA charge back rosters for indicators of fraud. He plans, organizes, directs, and conducts investigations. The appellant conducts investigations of violations of federal criminal laws pertaining to the fraudulent receipt of workers compensation benefits. In conducting investigations, the appellant interviews, reviews and researches documents, and performs surveillance. He coordinates surveillance by multiple agents and, if necessary, simultaneously at multiple locations. The appellant works undercover, coordinates, plans for, obtains and executes searches warrants. He preserves evidence and prepares investigative reports. Cases may result in a variety of penalties, both criminal and administrative, as well as those subject to the Uniform Code of Military Justice (UCMJ). The appellant assists U.S. Attorneys in their criminal prosecution. He participates on joint task forces and coordinates investigative activity with other agencies to exchange information or cooperate with other investigations. He supervises another Injury Compensation Investigator, GS-1802, and, when requested, provides guidance to others performing FECA investigations.

The appellant independently plans and carries out FECA investigations. The NCIS Supervisory Special Agent (SSA) discusses the investigative direction and case leads with the appellant. He approves case initiation and initiation of requests for search warrants, oral intercept, and other official actions. The SSA reviews completed case reports for documentation and soundness.

In performing his assignments, the appellant utilizes Federal, State and local laws and regulations relating to evidence, arrest, search, seizure, rights of privacy, and various jurisdictional and operational guidelines. He uses knowledge of FECA Fraud, Federal Rules of Procedure, and criminal laws. He must be thoroughly familiar with 18 U.S.C. sections covering false, fictitious or fraudulent claims, conspiracy, false statements, mail fraud, FECA fraud, wire fraud, and money laundering. He must be familiar with methods of identifying ill-gotten assets

and Federal procedures governing asset forfeiture. The appellant carries a concealed weapon. The appellant uses a variety of investigative devices during surveillance and undercover work. Following the appellant's position change from Criminal Investigator, he is not authorized to perform all the duties, such as obtaining and executing search warrants, which he previously performed. Since the type and complexity of cases is critical to the decision on assignment of both series and grade level, we are reviewing past cases (prior to current limitations being imposed) as a part of his representative case work. He spends the majority of his time on FECA or related cases and occasionally is assigned other investigations.

Examples the appellant provided of his cases are as follows:

- In a case opened in late 1998 and closed in May 2002, a claimant received both workers' compensation benefits and medical care paid by [organization]. The appellant performed surveillance for two years and learned that the claimant was selling his monthly prescriptions. Prescriptions included onycotton, methadone, and luraset. The Drug Enforcement Administration (DEA) declined the case because it didn't meet their dosage threshold. NCIS also opened a narcotics case with a NCIS agent in charge. The appellant prepared the plan of operation for apprehension of the suspect and his clients and the arrest report. The case was referred to the U.S. Attorney. This case resulted in criminal charges against the claimant as well as termination of compensation benefits.
- After review of a long-term claim with few medical bills, the appellant, from May 1998 until July 2001, conducted surveillance of a claimant who was self-employed in a home repair business and using his son's name and social security number. He established a fake company and assumed an undercover role, interviewed the subject and others having knowledge of the subject's activities, and obtained and executed two search warrants. This was a joint investigation with NCIS and the Department of Labor. Felony violations included mail fraud, wire fraud, money laundering, and conspiracy. The U.S. Attorney's Office prosecuted the case. FECA fraud was for \$338,000. The appellant continued to investigate and identified commercial property owned by the claimant. He assisted the attorney in obtaining a judgment on forfeiture of the property as repayment of compensation benefits fraudulently claimed.
- Through review of chargeback records, the appellant opened a case in late 1998 involving a claimant running a newspaper delivery business under his wife's name. He also serviced newspaper vending machines. The appellant used surveillance, interviews and records searches, and then obtained and executed a search warrant. This was a joint investigation with DOL, Department of Motor Vehicles (DMV) and state and local police organizations. The claimant pled guilty to a felony for FECA fraud of \$104,000 and was sentenced to prison.
- Through review of chargeback records, in February 2000, the appellant began an investigation of a claimant who owned and operated a car repair company in his son's name. On dozens of occasions from February through May 2001, the appellant used surveillance and audiotaped the claimant at work and waiting on undercover agents. He obtained and executed a search warrant to obtain physical evidence that the appellant committed violations

for fraudulent claims, false statements, and mail fraud. The case covered two years of fraud and \$41,000 of compensation benefits. The U.S. Attorney's Office prosecuted the case.

- Through review of chargeback records, the appellant opened a case in December 1998, interviewed witnesses, and, in December 1999, assumed an undercover role to obtain evidence that a claimant was operating a decoy manufacturing business. He also uncovered evidence of illegal hunting. This was a joint investigation that included the U.S. Fish and Wildlife Service and DOL. Violations included false, fictitious or fraudulent claims, conspiracy to defraud the United States, false statements, mail fraud, false statements to obtain Federal employees' compensation, and unlawful taking of migratory waterfowl.
- Through review of chargeback records, the appellant opened a case in June 1999 involving a claimant who was operating and working in a ceramics shop with his wife for 11 years while receiving FECA benefits. The appellant performed surveillance, used agents in undercover roles to make controlled buys, used wire intercepts, and obtained a search warrant. The claimant voluntarily terminated his compensation money in early 2001, but has not yet been to court. The total loss value of fraudulently received government funds is approximately \$268,198.

The appellant has investigated over 25 cases since 1998. All but one of these cases resulted in, or are awaiting, prosecution by the U.S. Attorney's Office. In any event, once evidence of other crime has been developed the appellant coordinates and interacts with a number of other Federal and civil jurisdictions. He works that investigation in conjunction with the agency exercising primary jurisdiction over that crime, in order to build a better FECA Fraud case against the suspect. The appellant maintains primary responsibility for only FECA aspects of cases. The appellant leads the FECA fraud investigations and may direct other agents in case actions.

Series and title determination

The agency determined the appealed position is covered under the Compliance Inspection and Support Series, GS-1802, and used the grade level criteria in the Grade Evaluation Guide for Police and Security Guard Positions (GEGPSCP), GS-0083/0085, to determine the grade level. The appellant contends that the position should be allocated to the GS-1811 Criminal Investigating Series at the GS-12 grade level.

The appellant selects and primarily orients his FECA cases toward uncovering criminal activity on the part of workers' compensation recipients and establishing a felony violation for assumption by the United States Attorney for criminal prosecution in Federal Court. He does not submit his investigative reports to the Office of Workers' Compensation for administrative action. Felonies identified through the appellant's investigations have included conspiracy, mail fraud, wire fraud, money laundering, drug trafficking, car theft and organized theft of government property. The appellant's normal caseload consists of approximately ten cases, but has been as high as twenty-two. Routinely, the case investigations take two years or even longer. They usually establish, at the least, that the claimant willfully failed to report income earned to the Office of Worker Compensation Programs (OWCP) and then falsified required annual statements certifying unemployment and earnings.

After a case is established for further review, the appellant initiates record checks to obtain background information such as financial and medical history, arrest or criminal activities, property ownership, or business licenses obtained. The appellant often conducts surveillance of claimants primarily to document that they are working and earning money. This necessitates observing the claimant's activities at and away from home. The appellant often interviews the claimant's family members, friends, business partners, or others having some knowledge of the claimant's physical condition or activities. In many instances, these interviews first involve the appellant establishing a pretext for seeking the information, usually by posing as a potential employer or customer. He established his own company, postal address, etc., for an undercover identity.

In performing his duties, the appellant uses wire intercepts, audio transmitters, microwave transmitting audio-video devices, electronic transmitting automobile tracking devices, night vision photography, thermal imaging, and other surveillance gear. He uses variety of techniques for developing latent fingerprint impressions. He makes use of laboratory expertise as well as centers and networks having databases on crimes, people and personal and business finances

The GS-1810 series includes positions that involve planning and conducting investigations covering the character, practices, suitability, or qualifications of persons or organizations seeking, claiming, or receiving Federal benefits, permits, or employment when the results of the investigation are used to make or invoke administrative judgments, sanctions, or penalties. These positions require primarily knowledge of investigative techniques and knowledge of the laws, rules, regulations, and objectives of the employing agency. They require skill in interviewing, following leads, researching records, and reconstructing events; and the ability to elicit information helpful to the investigation from persons in all walks of life and to prepare reports of findings.

The GS-1811 series includes positions that involve planning and conducting investigations relating to alleged or suspected violations of criminal laws. In addition to the knowledge, skills, and abilities needed by GS-1810 positions, the work of GS-1811 positions requires knowledge of what constitutes a crime or violation as defined in pertinent statutes and the kind of evidence that is required to prove that a crime was committed. It requires knowledge of the relationships among the criminal investigative jurisdictions of various agencies and decisions and precedent cases involving admissibility of evidence. Investigators must have knowledge of search and seizure, arrest authority; sources of information such as informants and methods of obtaining required evidence; the methods and patterns of criminal operations; and the availability and use of modern detection devices and laboratory services. They are aware of continuing advances in investigative technology; and have skill in activities such as maintaining surveillance, performing undercover work, making arrests, and taking part in raids.

The appellant's work requires investigative knowledge similar to that needed by GS-1810 positions and subject-matter knowledge of compensation benefits payable under 5 U.S.C. chapter 81 and fraud under 18 U.S.C. Further, the appellant's work requires some of the knowledge and skills needed by GS-1810 positions. Although some aspects of the appellant's position are similar to GS-1810 positions, the appealed position does not focus on administrative resolution

of cases. The appellant must know what constitutes a crime under the statutes, the kind of evidence required to prove that a crime was committed, the admissibility of evidence, and knowledge of citizens' constitutional rights. He employs criminal investigative techniques like surveillance, covert photography, and search warrants and uses information supplied by informants and witnesses. He carries a weapon and participates in arrests of suspects. For these reasons the appellant's position is excluded from the GS-1810 series.

Many of the cited GS-1811 skills are required, to a more limited extent, by related investigative occupations. The Police Series, GS-083, includes positions that enforce law, maintain law and order, preserve the peace, and protect the life and civil rights of persons. Police are typically trained to deal with misdemeanors and felonies that can range from petty theft through murder, theft of national defense information and materials, theft of office equipment, drug trafficking, assault on Government facilities and other serious violations of law and threats to human life. They prevent, detect, and investigate violations of laws, rules, and regulations involving accidents, crimes, and misconduct involving misdemeanors and felonies; arrest violators; and assist in the prosecution of criminals. Within their jurisdictions, police officers enforce many Federal, State, county, and municipal laws and ordinances, and agency rules and regulations relating to law enforcement. They must be aware of the rights of suspects, the laws of search and seizure, constraints on the use of force (including deadly force), and the civil rights of individuals. Arrest and apprehension authority includes the power to formally detain and incarcerate individuals pending the completion of formal charges; request and serve warrants for search, seizure, and arrest; testify at hearings to establish and collect collateral (bond); and/or participate in trials to determine innocence or guilt.

While the GS-1810 series is not appropriate for the appealed position, we cannot necessarily conclude that the correct series is GS-1811. The Police Series, GS-083, includes at its higher levels, work that bears similarity to the appellant's. The total context of the position must be taken into account by comparison with the series definition, occupational information, and grade-level criteria of the appropriate standard or guide. In its discussion on the distinctions between investigating and other occupations, the Grade-Level Guides for Classifying Investigator Positions (GLGCIP) indicates that not all positions that involve fact-finding and reporting are classified as investigators. Investigator positions covered by the GLGCIP are distinguished from certain other law enforcement occupations and subject-matter positions involved in fact-finding and reporting that do not require employees to apply the full range of investigator knowledge, skills, and techniques described in the GLGCIP.

The appellant's position does not require the full range of knowledge, skills, and techniques as described in the GLGCIP. For example, the appellant's position does not require knowledge of decisions relating to national security; specialized industrial, commercial, or agency accounting or record-keeping practices. As another example, the use of informants in the GS-1811, occupation does not mean responding to tips provided by a few persons aware of a suspect's employment. Rather, developing informants means cultivating individuals knowledgeable of and frequently operating within or on the fringes of criminal enterprises to expose or further penetrate those enterprises. Similarly, surveillance in the GS-1811 occupation pertains to determining when and where its use is appropriate in developing the facts surrounding a complex criminal conspiracy. The GLGCIP also indicates that cases conducted by positions in the GS-

1811 series involve complexities requiring development over long periods of time. The appellant's cases normally take at least two years to evolve. They also involve large sums of money. The extensive time is due in part to the large number of cases handled by the appellant at any given time and the need to collect sufficient evidence to establish a pattern of work and a falsified annual statement relative to employment and earnings. It does not necessarily establish that the cases are as complex as those conducted by GS-1811 investigators at the full performance level who investigate criminal enterprises that operate in multiple jurisdictions. While the appellant's work has involved investigations of actions that involved alleged felony violations, the cases center on the activities of a single individual or relatively few individuals where the scope of investigatory tasks occurred relatively close to the base. Cases involve large amounts of money primarily because the sum grows each year that the suspect continues to receive benefits.

The Grade Evaluation Guide for Police and Security Guard Positions, GS-083/085, published in April 1988, clarifies that the GS-1811 series covers positions primarily responsible for investigating alleged or suspected *major offenses or violations of specialized laws of the United States*. The GS-083/085 Guide defines major crimes found in the GS-1811 occupation as "capital crimes, those involving prescribed monetary values, or others that may vary in different jurisdictions." As previously noted, the appealed position limits the appellant to investigations of frauds by FECA benefit recipients. His cases result in FECA fraud prosecution. As previously indicated, the appealed position does not lead cases of suspected violations of criminal law where the *full* range of knowledge, skills, and abilities is called into use in the development of complex cases involving significant crimes against the United States. The appellant's cases do not involve the variety, scope, or complexity of criminal cases described in the GSGCIP.

Duties and responsibilities assigned to a position flow from the mission assigned to the organization in which those positions are found. The positions created to perform an assigned mission must be considered in relation to one another; i.e., each position reflects only a part of the organization's work as a whole. Secretary of the Navy (SECNAV) Instruction 5520.3B, Criminal and Security Investigations and Related Activities Within the Department of the Navy, January 4, 1993, stipulates that NCIS "is responsible for investigating actual, suspected or alleged major criminal offenses." Major criminal offenses are defined as punishable by confinement for a term of more than one year. FECA fraud is punishable by more than one year. Major criminal offenses must be interpreted within the context of other requirements stated in the instruction. The instruction stipulates that command investigators are permitted to investigate major crimes "when NCIS has declined jurisdiction." Certain types of matters, e.g., fraud offenses under the U.S. Code or Uniform Code of Military Justice, must be referred to NCIS. Other suspected felonies must also be referred.

We find SECNAV Instruction 5520.3B limits the breadth, depth, and complexity of investigations that may be managed by the appellant. The cases discussed previously evidence the characteristics of more difficult GS-083 detective work. These are defined at the highest knowledge level of the GS-083/085 Guide as including: conducting stakeout operations; conducting long-term investigations from several days to several weeks; developing informants and informant networks; developing and following leads, taking statements, and otherwise

gathering bits of information and facts; analyzing facts to identify suspects and develop case information for use in pressing charges and bringing suspects to trial; coordinating with U.S. and other prosecuting attorneys on case development and plans to perform arrests and prosecutions; developing cover conditions and working under cover to detect and prevent criminal activities; and coordinating other law enforcement agencies to gather facts or evidence for use in assigned cases.

In essence, as mandated by Navy policy, the SSA for the NCIS is the one who determines whether enough evidence has been gathered to stand up in court, whether the case should be dropped or handled differently, and how the investigation impacts the agency as a whole. The full range of knowledge required to perform in this capacity, which the NCIS SSA must have since he is ultimately responsible for the program, is a basic requirement in the series definition of the GS-1811. It is not however, a basic requirement that the appellant must have to investigate FECA cases.

Many of the appellant's assignments, in conjunction with some FECA cases, have been similar to the higher levels of detective work described in the GS-083 series. However, the GS-083 series also includes positions with duties that involve the preservation of peace and public order, assistance to the general public in emergencies, and the apprehension and arrest of perpetrators. Such duties are not typical of the appellant's position, are not recognized in his position description, and are not a focus of his organization. Therefore, the appellant's position is properly excluded from the GS-083 series.

As previously stated, the primary purpose of the appellant's position is to perform criminal investigative functions, delving into suspected or actual criminal violations of frauds. Most of the activities the appellant performs are comparable to those described in the Compliance Inspection and Support Series, GS-1802. Positions included in this series perform work assuring compliance with or enforcement of Federal law, regulations, or other mandatory guidelines, not classifiable to other, more specific occupational series. The work requires knowledge of prescribed procedures, established techniques, directly applicable guidelines, and pertinent characteristics of regulated items or activities. Such positions perform work in support of investigations, such as searching for, gathering, screening, and providing factual information or explanations related to the subject of an investigation or to the compliance program itself. This work includes such activities as obtaining background information on subjects of investigations by means of record searches, structured interviews, and automated information retrieval; compiling final investigative reports; and maintaining required administrative reports. Consistent with positions allocated to this series, the majority of the appellant's work, and the stated purpose of his position, involve examining records and investigating former or current Federal employees suspected of violating OWCP requirements through fraudulent claims. Accordingly, the appealed position is properly assigned to the GS-1802 series.

Since no titles are specified for positions in the GS-1802 series, the agency may establish a title consistent with OPM's guidelines on titling practices outlined in the *Introduction to the Position Classification Standards*.

Standard determination

The standard for the GS-1802 series, dated October 1980, does not contain grade level criteria. Consequently, we made a grade level determination by comparing the appellant's work with a standard covering a closely related kind of work, i.e., involving analogous knowledge and skills. FECA fraud investigation duties are not adequately addressed in the GS-083 Guide. In selecting a pertinent standard, we based the comparison on identifying a kind of work as similar as may be found to the appellant's position with respect to (1) the kind of work processes, functions, or work subject matter involved; (2) the qualifications necessary to do the work; (3) the level of difficulty and responsibility; and (4) the combination of classification factors that have the most influence on the ultimate grade level to be established. In this instance, we found that the standard for the GS-082, United States Marshal Series, dated June 1973 provides an appropriate comparison for the appellant's position and help in addressing the more complex cases the appellant handles. The GS-082 series requires knowledge of court procedures and the ability to testify in legal, quasi-legal, and administrative proceedings; a high degree of ability to meet and deal effectively with a wide variety of people from every level of society, frequently under conditions of stress and sensitivity; knowledge, ability, and sophistication in ways of finding and identifying persons; and expertise in the use of surveillance and detection techniques.

While we determined that the GS-082 standard is appropriate for establishing grade level, we did not find it to be an appropriate series for the appealed position. For positions in the GS-082 series, the service of process and execution of orders issued by the Federal courts and the Board of Parole must be a regular and recurring part of the position. Law enforcement positions that do not involve the service of process are excluded from the series. The appellant's position does not involve such activities.

Grade determination

The GS-082 standard addresses two factors: *Nature of assignments* and *Level of responsibility*.

Nature of assignments

The GS-9 level is the highest described in the standard. Positions at this level involve the complete range of assignments, including those where unusual difficulties are anticipated. Assignments exceed the GS-7 level because of the more complex person-to-person relationships required, the critical nature and scope of the decisions required, and the lack of clearly defined guidelines. Typical assignments at this level include planning for, locating, and making arrests of subjects who are evasive and potentially dangerous, through a series of leads that the employee builds through astute questioning and deduction. The GS-9 employee reviews criminal records and interviews friends, relatives, employers, and others with knowledge of the subject to gain information about the subject's background, living habits, temperament, and other characteristics that could predict reaction to the likelihood of arrest. The employee traces leads and must put together bits of information from these many, disparate sources to establish a cohesive, reasonable case. In many cases, the gathering and assessment of information is complicated by the unwillingness of persons to cooperate and the efforts of some to conceal information or to deliberately give misleading information.

The appellant's range and complexity of assignments and the manner in which he performs them are comparable to the GS-9 level. The appellant's assignments include a wide range of cases, some arising from potential fraudulent claims made under workers' compensation programs, others involving minor criminal and administrative infractions of both public laws/regulations and the UCMJ. Similar to positions at the GS-9 level, the appellant reviews a wide variety of source documents for information, builds cases based on information that often is conflicting, and gains the confidence of uncooperative or evasive persons who have some knowledge of the subject. The appellant must conduct his investigations in accordance with the stringent requirements designed to protect the constitutional rights of the suspects and innocent citizens. The appellant's work is made difficult by the lack of direct guidance on methods and strategies for conducting some inquiries and jurisdictional issues. In such instances, the appellant must rely on personal experience and methods used for past assignments. The nature of the appellant's assignments does not exceed the intent of the work described at the GS-9 level.

Level of responsibility

The GS-9 level is the highest described in the standard. GS-9 deputy marshals work independently, or they serve as senior members on small teams. Regardless of assignment, they have great independence and authority to make a broad range of decisions, once cases are assigned.

The GS-9 employee keeps the supervisor informed of key details in specific cases, particularly those with potential repercussions involving the supervisor or the agency. The GS-9 employee rarely seeks advice and usually makes decisions based on past training and seasoned judgement developed through experience, over time. The employee at this level makes significant decisions without prior review. In planning their approach, GS-9 employees must review all information from a wide variety of sources (including informants), perceive potential problems and/or resolve conflicts in data, and develop an appropriate strategy. Once planning is completed, the GS-9 employee is free to take appropriate action.

The appellant works with the same level of independence and limited supervision as described for the GS-9 level. He independently develops cases, which may come from tenant activities or other bases within the appellant's area of responsibility. The appellant reviews records and from tips provided persons both on and off the base. Once the appellant has been cleared to open a case, he is free to plan, investigate, and bring to the point of resolution any case he handles. This includes leading and coordinating other investigative personnel as needed. His casework is reviewed, upon completion, only for overall adequacy in meeting objectives, primarily from a legal or regulatory perspective. The appellant's level of responsibility fully meets but does not exceed the GS-9 level as described in the GS-082 standard.

Summary

The appellant's work meets the GS-9 level for both factors in the GS-082 standard.

Decision

The appealed position is properly classified as GS-1802-9, with the title at the discretion of the agency.