

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 75242-1027

**Declination of Reasonable Offer Decision  
Under section 5366 of title 5, United States Code**

**Appellant:** [appellant's name]

**Position:** Office Automation Clerk  
GS-326-4

**Organization:** [appellant's activity]  
Department of the Army  
Fort Sam Houston, Texas

**OPM decision:** Appeal denied

**OPM decision number:** D-0326-04-01

/s/ Bonnie J. Brandon

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Bonnie Brandon  
Classification Appeals Officer

January 2, 2002

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Date

As provided in section 536.302 of title 5, Code of Federal Regulations (CFR), this decision is final. There is no right of further appeal. This decision is subject to discretionary review only under the conditions specified in 5 CFR 536.302(f).

**Decision sent to:**

[appellant's name and address]

Chief, Customer Focused Division B  
Southwest Civilian Personnel Operations Center  
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Department of the Army  
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## **Introduction**

On October 12, 2001, the Dallas Oversight Division of the U.S. Office of Personnel Management (OPM) accepted a declination of reasonable offer appeal from [the appellant]. We received the agency's administrative report on November 14, 2001. The appellant occupies a position currently classified as Office Automation Clerk, GS-326-4. She works in the [appellant's activity], Department of the Army, [location]. We accepted and decided her appeal under section 5366 of title 5, United States Code.

## **General issues**

In her September 7, 2001, letter to us, the appellant based her appeal on the belief that the offer was not reasonable because of the travel hardship the offered position would cause. She stated that she needed to be near her son's doctor in case her son had an emergency related to a health condition. The appellant believed that the 45-mile commute for the offered position would place her too far away from her son and his doctor and her elderly mother whom she assists on a daily basis. She also said her gasoline expenses would increase because of the additional miles she would have to commute.

We must make reasonable offer decisions by applying reasonable offer criteria in Federal regulations and other guidelines and cannot base our decision on other issues raised by the appellant. We will consider the information provided by the appellant only to the extent that it helps us determine if she received a reasonable offer as defined in regulation.

In reaching our decision, we carefully reviewed all information furnished by the appellant and her agency, including the agency's administrative report. We conducted a telephone interview with the appellant on December 10, 2001, to clarify information that she had provided.

## **Background**

The record shows that the appellant's position of Office Automation Clerk, GS-326-5, at [an Air Force Base] was abolished on October 8, 2000. Through the Department of Defense's Priority Placement Program, she was placed in the position of Office Automation Clerk, GS-326-4, at [an Army facility] on October 8, 2000, with grade retention for two years. On August 9, 2001, the appellant was offered the position of Office Automation Assistant, GS-326-5, at [an Air Force Base] in an attempt to return her to a position equivalent to the grade that she previously held. The appellant declined the position on August 14, 2001, and her grade retention was terminated on August 25, 2001. Because of problems that the Department of the Army was having with the automated processing system, an action was effective on August 26, 2001, to correct the appellant's pay, step, and pay rate determinant resulting from the termination of grade retention.

## **Evaluation**

The regulations applicable in determining if a reasonable offer was made are contained in subpart B of part 536 of title 5, Code of Federal Regulations (CFR). Section 536.206 contains the criteria for a reasonable offer. Sections 536.207 and 536.208 contain criteria for the loss of

eligibility for grade retention and termination of grade retention. Section 536.302 of subpart C contains the requirements for appealing termination of benefits because of a reasonable offer.

The appellant disagrees with the agency's determination that she declined a reasonable offer. The record shows that the appellant met the filing criteria in 5 CFR 536.302. Therefore, we compared the agency's actions with the remaining criteria to determine whether the agency's offer was reasonable and met all the conditions as required.

***Criteria of 5 CFR 536.206***

*Was the offer in writing, and did it include an official position description of the offered position?*

The record shows that the activity's offer, dated August 9, 2001, was made in writing and included a copy of the position description. Therefore, this requirement was met.

*Was the employee informed that entitlement to grade retention would be terminated if the offer were declined and that the employee could appeal the reasonableness of the offer?*

The record shows that the appellant was advised in the agency's notice of August 9, 2001, that her retained grade benefits would be terminated if she declined the offer and her pay would be set at the GS-4, step 10, salary. The appellant declined the offer in writing on August 14, 2001. In a letter dated August 27, 2001, the agency notified the appellant of the termination of her grade retention because of her declination of a reasonable offer. That letter also advised the appellant of her appeal rights to OPM.

*Was the offered position of equal or greater tenure than the position creating the entitlement?*

The offered position of Office Automation Assistant, GS-326-5, located at [an Air Force Base] was of equal tenure as the position creating the entitlement. Because both positions were of permanent status, this requirement was met.

*Was the offered position in an agency as defined by 5 U.S.C. 5102?*

The position offered was located at an agency as defined in 5 U.S.C. 5102. Therefore, this requirement was met.

*Was the offered position full time if the employee held a full-time position?*

The record shows that the appellant occupied a full-time position and was offered a full-time position. Therefore, this requirement was met.

*Was the offered position in the same commuting area as the position immediately before the offer, unless the employee was subject to a mobility agreement or a published agency policy that required employee mobility?*

The record shows that the offered position was in the same commuting area as the position held immediately before the offer. As a Department of Defense employee who was affected by the closure of [an Air Force Base] the appellant was registered in the Department of Defense Priority Placement Program. She was registered for all Defense activities [within a specific city's] commuting area that had not been formally announced for closure. The record shows that the [city's] commuting area for Defense employees includes [a number of Defense facilities]. The appellant's concerns regarding the 45-mile commute for the offered position at [a specific Air Force Base] are not covered under this criterion. Therefore, this requirement was met.

***Criteria of 5 CFR 536.207 and 5 CFR 536.208***

*Was the appellant offered a position at a grade that was equal to or higher than the grade to which she was entitled under grade retention?*

The appellant was offered the position of Office Automation Assistant, GS-326-5, which was equal to the grade to which she was entitled under grade retention as an Office Automation Assistant, GS-326-5. Therefore, this requirement was met.

**Decision**

The appellant received a reasonable offer. As a result of her declination, the agency properly terminated her entitlement to retained grade. Therefore, the appeal is denied.