

DECISION

18531 *Payor Robin 7460*
THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

FILE: B-202440

DATE: June 17, 1981

MATTER OF: Cecile W. Murphy - Compensation for Work Performed Beyond Limitation of Appointment

DIGEST: Employee of Office of the Federal Cochairman, Four Corners Regional Commission, who worked beyond her temporary appointment limitation due to administrative error may be compensated for services performed in good faith.

This is in response to a request from Mr. Frank Di Costanzo, Director of Personnel, United States Department of Commerce, for our decision concerning whether an overpayment received by Mrs. Cecile W. Murphy may be waived.

Mrs. Murphy was a Clerk-Typist with the Office of the Federal Cochairman, Four Corners Regional Commission, serving in a 700 hour temporary appointment effective October 1, 1979, with a "not to exceed" date of February 1, 1980. Since she was working part-time, her appointment was extended on February 2, 1980, with a "not to exceed" date of April 10, 1980, in order to cover the balance of hours left under the 700 hour limitation.

Mrs. Murphy's office received notification of the extension of her appointment but filed it without noting the limitation of the extension to April 10. As a result, she worked until April 18, 1980, and exceeded the 700 hour limitation by 86 hours. She was paid \$540.08 for the 86 excess hours. The agency states that Mrs. Murphy was not aware of the exact limitations of her appointment and did not receive a copy of her personnel actions.

It is not necessary to consider whether Mrs. Murphy's overpayment may be waived for we have held that an employee who renders service in good faith and under color of authority beyond his appointment limitation is a de facto employee, entitled to be compensated for the reasonable value of his services rendered after the expiration of his appointment. David J. McCullough, B-198238, June 5, 1980.

In the instant case, it appears that Mrs. Murphy's appointment was not terminated on time due to administrative

[Entitlement to Retain Payment of Compensation]

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B-202440

error, that there was no fault on her part, and that she performed the additional 86 hours of work in good faith. Therefore, Mrs. Murphy is entitled to retain the compensation she received for the 86 hours she worked in excess of her appointment limitation.

A handwritten signature in cursive script that reads "Milton J. Rowland".

Acting Comptroller General
of the United States