

HENDERSON F. HELT, JR.)	IN THE CIRCUIT COURT OF
Plaintiff)	
vs.)	BALDWIN COUNTY, ALABAMA.
RUBY P. JOHNSON,)	AT LAW.
Defendant.)	CASE NO. <u>5359</u>

Plaintiff claims of defendant \$750.00 due from her by account on May 12, 1962, which sum of money with the interest thereon, is still unpaid.

B. F. Stephens III
 ATTORNEY FOR PLAINTIFF

Serve the defendant % her place of employment: Brookley Air Force Base, Alabama.

FILED
 NOV 7 1962
 ALICE J. DUCK, CLERK
 REGISTER

SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,
BALDWIN COUNTY

}

CIRCUIT COURT, BALDWIN COUNTY

No. 5359

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Ruby P. Johnson

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in the
Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against

Ruby P. Johnson, Defendant

by Henderson F. Helt, Jr.

Plaintiff

Witness my hand this 7th day of November 19 62

Ed 11-29-62 *Alice J. Wood* Clerk

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

HENDERSON F. HELT, JR.

(11)

vs. Plaintiffs

294 per

RUBY P. JOHNSON

Defendants

SUMMONS and COMPLAINT

Filed November 7, 19 62

Alice J. Duck, Clerk

RECEIVED

NOV 8 1962

SHERIFF'S OFFICE

B.F. Stokes, III

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

, 19

, Sheriff

I have executed this summons

this Nov 7, 1962

by leaving a copy with

Ruby P. Johnson

Ray W. Bridges Sheriff

W. H. Fink Deputy Sheriff

HENDERSON F. HELT, JR.	X		
Plaintiff	X	IN THE CIRCUIT COURT OF	
vs	X	BALDWIN COUNTY, ALABAMA	
RUBY P. JOHNSON	X	AT LAW	NO. _____
Defendant	X		

Comes the defendant in the above styled cause and moves this Honorable Court to require the said plaintiff to deposit cost of court inasmuch as said plaintiff is believed to be a non-resident of the State of Alabama or without assets in the jurisdiction of this Honorable Court.

THOMPSON & WHITE

BY: *C. L. Thompson*
Attorneys for defendant.

Defendant respectfully demands trial by jury.

THOMPSON & WHITE

BY: *C. L. Thompson*
Attorneys for defendant.

FILED

DEC 4 1962

ALICE J. DUCK, CLERK
REGISTER

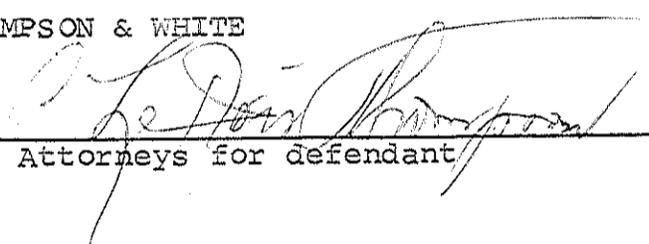
HENDERSON F. HELT, JR.	X	
Plaintiff	X	IN THE CIRCUIT COURT OF
vs	X	BALDWIN COUNTY, ALABAMA
RUBY P. JOHNSON	X	AT LAW NO. _____
Defendant	X	

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA:

Comes the defendant, Ruby P. Johnson and shows unto the Court that more than thirty days prior to the filing of this motion, the defendant in the above styled cause propounded interrogatories to plaintiff, Henderson F. Helt, Jr., under Code 1940, Tit., Section 477-486, requiring said plaintiff to answer certain interrogatories therein propounded, and that although more than sixty days have elapsed since the service by the sheriff of said interrogatories upon the plaintiff, Henderson F. Helt, Jr., the said plaintiff has failed, and still fails and refuses to answer the interrogatories therein propounded.

Wherefore, the defendant moves the Court to enforce the penalty as provided by Title 7, Section 483 of the Code of 1940, as recompiled.

THOMPSON & WHITE

BY: 
Attorneys for defendant

FILED

MAR 11 1963

**ALICE J. DUCK, CLERK
REGISTER**

HENDERSON F. HELT, JR.	X	
Plaintiff	X	IN THE CIRCUIT COURT OF
vs	X	BALDWIN COUNTY, ALABAMA
RUBY P. JOHNSON	X	AT LAW NO. _____
Defendant	X	

Comes the defendant, Ruby P. Johnson, in the above styled cause and for answer to the complaint, and to each and every phase thereof separately and severally, says:

-1-

She denies the allegations of said complaint as untrue.

-2-

The defendant for answer to the said complaint, saith that she has paid the debt, for the recovery of which this suit was brought before the action was commenced.

Ruby P. Johnson
Defendant

THOMPSON & WHITE

BY: [Signature]
Attorneys for defendant

STATE OF ALABAMA
BALDWIN COUNTY

Before me, the undersigned authority, personally appeared Ruby P. Johnson, Defendant, who being informed of the contents of the foregoing answer, says under oath, that same is true and correct to the best of her knowledge, information and belief.

Ruby P. Johnson

Sworn to and subscribed before me this the 7 day of Dec, 1962.

[Signature]
Notary Public, Baldwin County, Alabama

Defendant respectfully demands trial by jury.

FILED

DEC 7 1962

ALICE L. DUCK, CLERK REGISTER

THOMPSON & WHITE

BY: [Signature]
Attorneys for defendant.

HENDERSON F. HELT, JR.

X

Plaintiff

X

IN THE CIRCUIT COURT OF

vs

X

BALDWIN COUNTY, ALABAMA

RUBY P. JOHNSON

X

AT LAW

NO 5357

Defendant

X

Comes the defendant in the above styled cause and propounds the following interrogatories to the plaintiff, Henderson F. Helt, Jr.:

1. State your name.
2. Are you the complainant in this case?
3. State your present occupation, and state your duties thereunder.
4. When did you obtain employment in your present occupation?
5. In your complaint you have sued on an account. Did sales or service constitute the alleged account?
6. If your answer is sales, give a list of the items sold the defendant.
7. If your answer to the preceding question is "no", did you furnish or sell to the defendant services?
8. If your answer to this immediately preceding question is services, attach a copy of any papers prepared in the course of your alleged services.
9. If you did not sign the original of the copies attached, did the defendant sign them?
10. If your service to the defendant was in any capacity other than your present employment, state the capacity and itemize the steps taken by you at the instance of the defendant for the defendant, attaching hereto any copies of papers or correspondence prepared by you at the instance of the said defendant not previously attached in response to these interrogatories.
11. State the date when you determined what this account sued on would amount to.
12. Give the name of any individual who helped or assisted you in the preparation of any of these papers attached hereto.
13. State the experience which you have had in rendering identical services prior to the month in which these services were rendered or the time your records, if any, show you first discussed

this matter with the defendant.

14. Did you and the defendant sign a contract of your employment? If so, attach a copy of the agreement of your employment by the defendant.

THOMPSON & WHITE

BY: C. LeNoir Thompson
Attorneys for defendant.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned Notary Public, in and for said State and County, personally appeared C. LeNoir Thompson, who being by me first duly sworn, deposes on oath and says as follows:

My name is C. LeNoir Thompson and I am one of the Attorneys of Record for the defendant in the above entitled cause, and as such, I am authorized to make this affidavit. I further state that the answer of the plaintiff to the foregoing interrogatories will, if truthfully made, be material evidence for the defendant on the trial of said cause.

C. LeNoir Thompson
C. LENOIR THOMPSON

Subscribed and sworn to before me by the said C. LeNoir Thompson on this the 27th day of December, 1962.

Mary Thompson White
Notary Public State of Alabama
at Large



FILED
DEC 27 1962
ALICE J. DUCK, CLERK REGISTER

HENDERSON F. HELT, JR.) IN THE CIRCUIT COURT OF
) Plaintiff
) BALDWIN COUNTY, ALABAMA.
 vs.) AT LAW.
 RUBY P. JOHNSON,) Defendant.
) CASE NO. 5359

Comes now the plaintiff in the above styled cause and for answer to the interrogatories heretofore filed by the defendant states as follows:

1. Henderson F. Helt, Jr.
2. I am the plaintiff.
3. This interrogatory is immaterial.
4. This interrogatory is also immaterial.
5. Service.
6. Not applicable.
7. I rendered legal services to the defendant.
8. Attached.
9. The initial item of correspondence dated May 15, 1961, addressed to Regional Director, U. S. Civil Service Region, Peachtree Baker Building, 275 Peachtree St., N. E., Atlanta 3, Georgia was signed by the defendant, Ruby P. Johnson, but as you will note in said letter, in the next to the last paragraph, she enclosed a power of attorney authorization, designating Henderson F. Helt, Jr., Attorney at Law, P. O. Box 6162, Mobile, Alabama, as her representative in the matter. Of course, as her attorney, her said letter of May 15, 1961, was prepared by me. All subsequent items of correspondence were prepared and signed by me, as her attorney.
10. I represented the defendant as her attorney in appealing her reduction in force separation from her position as Ignition Harness Repairer, W-7-5, effective May 12, 1961. I prepared the initial letter of appeal for defendant's

signature and enclosed signed authorization; I then prepared CSC Form 508 detailing the basis of defendant's appeal with supportive information. (Only one form was furnished by the commission and I am therefore unable to attach a copy of this form.) The above was prepared after considerable discussion with the defendant and several other employees of Brookley Air Force Base, including several supervisory personnel. I then prepared a letter to the Board of Appeals and Review, U. S. Civil Service Commission, Washington 25, D. C., supporting the decision of the Regional Office in sustaining the appeal and answering the position set forth by the Agency. I conducted numerous conferences with the defendant and other personnel at different times during the pendency of the appeal from its commencement in May of 1961 to its termination with the final order restoring the defendant to her employment and pay retroactively to date of separation, i. e., May 12, 1961. In addition, during the period immediately above referred to, I continued to advise the defendant on occasions when she would call to inquire concerning her case, or when she was called into Brookley Air Force Base for an examination as a result of the appeal.

11. The amount to be charged for my services was not discussed at any time between plaintiff and defendant prior to conclusion of performance of the services. The amount was arrived at by me upon conclusion of performance of the services which was about April, 1962. I informed the defendant that the charge would be in the amount of \$750.00. As a result of services rendered by me, the defendant's job was restored at Brookley Air Force Base. Upon restoration, she was awarded gross back pay in/excess of the sum of \$3,500.00. This represented a period of about ten months lost employment. In addition to this, of course, the defendant's employment was restored, which meant that she would receive tremendous

sums of money from her restored employment in future months and years. I consider that all of these benefits to the defendant were a direct and proximate result and consequence of my representation of her.

12. In the course of my representation of the defendant, I had a number of discussions with the supervisory personnel at Brookley Air Force Base as well as with other persons. This was in connection with my investigation of the facts involved, in my attempts to secure restoration of employment for the defendant, but other than that, as to whether I was assisted by anyone, the answer is no.

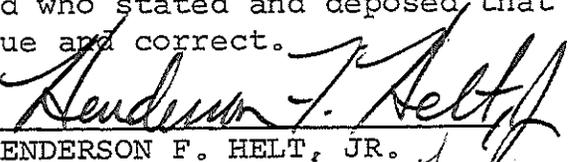
13. When the defendant engaged me to represent her in the matter, at that time, I was a duly licensed and practicing attorney in Mobile County, Alabama, a member of the Mobile County and State of Alabama Bar Associations and at that time had been actively and continuously engaged in the general practice of law in Mobile, Alabama since February, 1956. Prior to my representation of the defendant, I had represented persons who had been separated from their employment at Brookley Air Force Base, but I am not at liberty to give details as to such instances, since it would be confidential.

14. No.

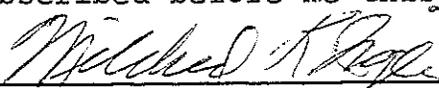

HENDERSON F. HELT, JR.

STATE OF ALABAMA
COUNTY OF MOBILE.

Before me, the undersigned authority personally appeared Henderson F. Helt, Jr., who was by me duly sworn on oath to speak the truth and who stated and deposed that the above and foregoing is true and correct.


HENDERSON F. HELT, JR.

Sworn to and subscribed before me this 27th day of March, 1963.


NOTARY PUBLIC, MOBILE COUNTY, ALABAMA


ATTORNEY FOR PLAINTIFF

I, B. F. Stokes, III, attorney for plaintiff, do hereby certify that on the 2nd day of April, 1963, I served a copy hereof on C. LeNoir Thompson, attorney for the defendant, by placing a copy in the United States Mail, properly addressed and postage prepaid.


B. F. STOKES, III

FILED
APR 3 1963
ALICE I. WOOD, CLERK
REGISTER

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13

HEADQUARTERS
MOBILE AIR MATERIEL AREA
UNITED STATES AIR FORCE
BROOKLEY AIR FORCE BASE, ALABAMA



REPLY TO
ATTN OF: MOACA

1 B

4-3-61

sd

SUBJECT: Notice of Reduction in Force

TO:

R P Johnson
Ignition Harness Repairer, W-7-5
BAFB, Ala
MOMDVP

1. The need to realign skills and to reduce overhead costs has caused a reduction in force at Brookley Air Force Base. This reduction has affected your retention register, and it is sincerely regretted that because of your standing on the retention register you cannot be retained in your present position.
2. Your personnel records are being reviewed to determine if you can be assigned to some other position at your present grade level, or if that is not possible, to a lower grade position. Your Placement Advisor will contact you immediately if you can be offered another position.
3. If you cannot be assigned to another position, it will be necessary to separate you effective 5-6-61. Prior to this date you will be given a written notice of Final Action telling you specifically what action must be taken. If you do not receive a Notice of Final Action before the effective date, this General Notice automatically will be cancelled.
4. I want to assure you that every effort will be made to place you in a continuing position. However, the reduction in force must be carried out in strict conformance with Civil Service Rules and Regulations. Among other things, these Rules and Regulations permit you to see the retention registers and the reduction-in-force regulations in Room 131, Building S-50.
5. You may not appeal the reduction in force action to the Civil Service Commission until you have received the Notice of Final Action. Your appeal rights to the Commission will be explained in detail in your Final Notice.
6. If you believe your rights under an administrative Air Force provision (permitted but not required by the Civil Service Commission) have been violated, you may file a grievance in accordance with MOAMA Regulation 40-24. Although you have 10 days following the effective date in which to file a grievance, you should contact your Placement Advisor in ample time to preserve your rights to appeal to the Commission if it is a matter that cannot be resolved through the grievance procedure.

7. You will receive a lump sum payment for your annual leave. If you don't have more than 30 days annual leave to your credit on the date you are separated, you will be paid for all your leave. If you have more than 30 days annual leave, you will be paid lump sum for all the leave to your credit on the date of your separation which does not exceed the amount you had at the beginning of this leave year. If you have any excess annual leave, it may be to your advantage to arrange with your supervisor to take it during this notice period. The amount of your leave included in the lump sum will be indicated on a pay change slip which you will receive with your final check. If you are reemployed in the Federal service within the period covered by the leave for which you are paid, it will be necessary for you to refund to your new agency enough money to cover the unexpired portion of your annual leave. Your new agency will then credit you with the amount of leave covered by the refund. If you obtain another position in the Federal Service prior to your separation, your unused annual and sick leave will be transferred to your new agency.

8. I regret that this action has become necessary and wish to express official appreciation for your contribution to the Federal Service.

FOR THE COMMANDER



HASSIE G. SMITH
Chief, Civilian Personnel Division

INFORMATION

IF YOU ARE TRANSFERRED to another Government agency prior to the effective date of your separation from this agency, you must notify this headquarters immediately.

IF YOU ARE REEMPLOYED in the Federal Service within one year after receiving notice of separation by reduction in force, sick leave to your credit at time of separation may be recredited.

IF YOU ARE SEEKING EMPLOYMENT IN PRIVATE INDUSTRY go to your local State Employment Service Office.

REFUND OF RETIREMENT DEDUCTIONS may be obtained by an employee regardless of length of service unless he is already eligible for an immediate annuity or is within 31 days of becoming eligible for an annuity. Employees with 5 or more years of Civilian Service may elect to leave their contribution in the retirement fund and receive an annuity at age 62. If you have already reached this age and have at least 5 years of Civilian Service, you may be eligible for an immediate annuity. Ask for further details in Room 131, Building S-50.

HEADQUARTERS
MOBILE AIR MATERIEL AREA
UNITED STATES AIR FORCE
BROOKLEY AIR FORCE BASE, ALABAMA



REPLY TO
ATTN OF: MOACA
I B

4-27-61 wfm

SUBJECT: Final Notice of Separation by Reduction in Force and Rights of Separated Career Employee

TO: R P Johnson
Ignition Harness Repairer, W-7-5
BAFB, Ala
MOMDVP

1. Reference is made to reduction in force notice dated 4-3-61 which advised you of the necessity for reduction in force. You were issued the reduction in force notice because of abolishment of positions in your competitive level, displacement by _____

an employee with greater retention rights. Since that notice was issued to you, your qualifications were considered along with your physical condition for possible reassignment to other positions as provided by Civil Service and Air Force regulations on reduction in force.

You are advised that there are no Air Force positions in this Commuting Area, either vacant or occupied by employees in a lower Retention Group ~~for~~ which you are physically qualified and to which you are entitled in accordance with reduction in force regulations. Your date of separation will be 5-12-61. As stated in previous letter, you may file an appeal at any time from the date of receipt of this notice but not later than 10 days after the effective date of this action.

2. Reduction in force is being made in conformance with Civil Service Rules and Regulations. If you feel there has been a violation of your rights under these regulations, you have the right to appeal, in writing, to the Regional Director, Fifth U S Civil Service Region, Peachtree-Baker Building, 275 Peachtree Street, N E, Atlanta 3, Georgia. This appeal may be made at any time after receipt of this notice but not later than 10 days after the effective date of the action. Your appeal should set forth your reasons for contesting this adverse action, with offer of proof and such pertinent documents as you are able to submit.

3. Since you are in Tenure Sub-Group I B, you are eligible for entry on the Reemployment Priority List for all Air Force positions in this commuting area for which you are qualified, available, and entitled, which are either vacant or occupied by an employee in Tenure Group III. Employees on this list will be given priority for appointment for a period of two years from the date of separation. Your name will be removed from the reemployment priority list (1) upon your signed written request (2) upon your acceptance of a position, other than one limited to a year or less in any Federal agency, or (3) upon your declination of an offer of reemployment to a position in the competitive service equivalent in grade or salary to the position from which you are scheduled to be separated.

4. If you are not satisfied with the decision that there are no Group III Air Force employees in this commuting area occupying a position for which you are qualified and available and to which you are entitled, you should appeal, in writing, to the Fifth U S Civil Service Region, Peachtree-Baker Building, 275 Peachtree Street, N E, Atlanta 3, Georgia, stating which position you think you should have. It is pointed out, however, in accordance with reduction in force regulations, you have only rights to "bump" employees serving in positions at or below your present grade. It is strongly urged that you first contact this Headquarters in order that your reasons may be considered and corrective action taken if necessary and/or that you may be given explanation as to why it is believed that reduction in force regulations have been complied with.

5. You may file with the U S Civil Service Commission application for placement as a Separated Career employee if you are interested in further Federal employment. You may file anytime from date of receipt of this notice and 90 days following your last day of active duty. You may file for not more than two specific types of positions with any of each of the following:

- a. The central office of the Commission.
- b. Any boards of examiners under the jurisdiction of the central office of the Commission.
- c. One regional office of the Commission.
- d. Boards of examiners filling positions in any one region.

6. Applications made must be for specific types of positions which exist in the Federal Service. In general, opportunities for placement will be greater in positions for which offices of the Commission have established registers of eligibles. Separated Career employees may apply for positions of Postmaster or Rural Carrier only in the regular manner.

7. Each application for participation in the program for separated career employees must be submitted on Standard Form 57, Application for Federal Employment, and must specify the type of position for which you wish to be considered. A copy of this notice must be included with each application or if you have already filed an application, a copy of this notice should be mailed immediately to each office of the Commission with which you have filed. If additional copies of this notice are required by you, they will be furnished upon request.

8. Benefits provided by the Separated Career Employee Program are:

- a. Referral to vacancies ahead of all other eligibles, or referral to any agency to displace a Group III employee serving in a position to which you are entitled.
- b. A condensation of your experience and training history into

employment briefs is made for each of the two positions for which you apply. The Commission office will send copies of the briefs to each appointing officer and Board of Examiners in the area under its jurisdiction at locations where you have indicated availability for employment. In filling vacancies including those normally filled from within, agencies must give you bona fide consideration for positions for which you are qualified and available.

c. The Commission office will make priority certifications from registers of eligibles to fill vacancies from outside the commuting area ahead of all other eligibles, except for certain registers with 10-point preference eligibles with compensable service-connected disability of 10% or more are placed at the top of the register. However, a Separated Career Employee with such disability will be certified ahead of all other eligibles. A separated Career Employee will not, however, be given priority certification and priority referral simultaneously in the same commuting area.

d. A Separated Career Employee will be entered in regular order on registers for positions and grades for which qualified, including grades higher than that held at time of separation. He will remain on such registers after expiration of eligibility for the benefits outlined above.

8. We regret the necessity for your separation and wish to express our sincere appreciation of your loyalty and faithful service to the Department of the Air Force.

FOR THE COMMANDER:



RASSIE G. SMITH

Chief, Civilian Personnel Division

NOTE: Any change of address before receipt of final payment should be submitted to this Headquarters immediately, ATTENTION: MOACA, so that check can be forwarded promptly after pay period.

May 19, 1961

Regional Director
Fifth U. S. Civil Service Region
Peachtree-Baker Building
275 Peachtree Street, N. E.
Atlanta 3, Georgia

Re: Final Notice of Separation by Reduction
in Force, dated 4/27/61, extended to
5/12/61
R. P. Johnson, Ignition Harness Repairer
Tenure Sub-Group 1-B

Dear Sir:

This letter is to serve as notice of my appeal of the above referred to decision to separate me from the Federal Service.

The reason given for my removal is that positions in my competitive level have been abolished and that there are no Air Force positions in this commuting area either vacant or occupied by employees in a lower retention group for which I am physically qualified and to which I am entitled in accordance with reduction in force regulations.

I submit that my position has not been abolished, but rather, has been transferred to a new location and was assigned to employees heretofore unfamiliar with the work I was performing prior to the reduction in force.

I was formerly employed in the harness shop of the Ground Support Equipment unit, unit #46534, which unit was charged with disassembly, cleaning, overhaul and repair of accessory parts on ground support equipment. This function was transferred to the Aircraft Electrical Accessories unit, a unit charged with overhaul and repair of class 030 items, consisting of accessory parts on aircraft engines.

The journeyman level in the Aircraft Electrical Accessories unit is a grade higher than the journeyman level in the Ground Support Equipment unit. However, subsequent to the aforesaid transfer, personnel of the Ground Support Equipment unit were utilized to train and familiarize the personnel of the Aircraft Electrical Accessories unit with the work previously performed by the Ground Support Equipment unit. Upon completion of the training period the personnel of the Ground Support Equipment unit were made subject to reduction in force action. As a result of this action I was separated from the Federal Service.

Regional Director
Fifth U. S. Civil Service Region

May 19, 1961

Page 2.

Prior to the aforesaid transfer, as stated above, the Aircraft Electrical Accessories unit was charged with work on O3C items. There was a discontinuance of O3C items, leaving the Aircraft Electrical Accessories unit with very little workload. After the addition of the work previously performed by the Ground Support Equipment unit, unit #46534, about 90% of the workload of the Aircraft Electrical Accessories unit consisted of work previously performed by the Ground Support Equipment unit. At this time the higher graded personnel of the Aircraft Electrical Accessories unit are performing the identical duties previously performed by the lower graded Ground Support Equipment personnel. It is my understanding of the Civil Service Regulations that the regulations permit an employee to go with his job in a transfer or reorganization. I have not been afforded this right and am therefore appealing the denial of this right.

I originally hired in at Brookley Air Force Base in October of 1942 where I worked in Wheels and Brakes until May of 1946, at which time I was separated under a reduction in force. I was rehired in February of 1951 and again worked in Wheels and Brakes until I was transferred to the harness shop. I have remained in the harness shop until the present time.

I am therefore appealing from the above referred to Notice of Separation on the ground that my position has not been abolished. In addition, I call attention to the statement in Paragraph 3 of said notice wherein it is stated that I am eligible for positions in Tenure group III. It is my understanding that I am eligible for positions in my same competing level over other employees with less time in service and over other employees in Tenure group II, as well as Tenure group III.

I enclose herein an authorization designating Henderson F. Helt, Jr., Attorney at Law, P. O. Box 6162, Mobile, Alabama, as my representative in this matter.

I further ask that I be granted an opportunity to submit additional evidence to the Commission as the same shall become available.

Respectfully submitted,

Ruby P. Johnson

Encl.

UNITED STATES CIVIL SERVICE COMMISSION

FIFTH UNITED STATES CIVIL SERVICE REGION
275 Peachtree Street, N. E.
Atlanta 3, Georgia

Appl:GJP:sfc

May 23, 1961

Mrs. Ruby P. Johnson
c/o Hogan & Helt
Attorneys at Law
1868 Government Street
Mobile, Alabama

Re: attorney's
Your/letter of
May 19, 1961

Dear Mrs. Johnson:

This acknowledges your letter concerning the reduction in force at
Brookley Air Force Base, Alabama.
(name of activity)

We have started an inquiry of your case. Please advise this of-
fice promptly if there is any change in your employment status while
this appeal is pending.

If you are entitled to veteran preference, you will be granted an
oral hearing if you so request in writing within 7 calendar days of re-
ceipt of this letter. Employees not entitled to veteran preference are
not entitled to oral hearings, although the Commission may hold a hear-
ing at its discretion.

Your appeal will be expedited if you complete sections I and II of
the attached form (and provide any information requested by section III),
sign, date, and return it to this office within 7 calendar days of re-
ceipt of this letter.

You will be advised as soon as possible of the decision on your
appeal.

Sincerely yours,

L. C. Duncan

L. C. DUNCAN
Acting Appeals Examiner

cc: Mr. Henderson F. Helt, Jr.
Mobile, Alabama

Enclosure

CSC Form 508

P. S. If you are claiming a placement right, please name the people in the
position to which you feel you have a placement right.

ADDRESS:
THE DIRECTOR
FIFTH U.S. CIVIL SERVICE REGION
PEACHTREE-BAKER BUILDING
275 PEACHTREE STREET NE.
ATLANTA 3, GA.

UNITED STATES CIVIL SERVICE COMMISSION

FIFTH UNITED STATES CIVIL SERVICE REGION

COMPRISING ALABAMA, FLORIDA, GEORGIA, MISSISSIPPI, NORTH CAROLINA,
SOUTH CAROLINA, TENNESSEE, PUERTO RICO, AND THE VIRGIN ISLANDS

OFFICE OF THE DIRECTOR, ATLANTA 3, GA.

IN REPLY PLEASE REFER TO

Appl:GJP:hfs

AUG 24 1968

Commander
Mobile Air Materiel Area
Brookley Air Force Base, Alabama

Attention: MOACUE

Dear Sir:

This refers again to the reduction-in-force appeal of Mrs. Ruby P. Johnson. Because of the complexities of the issues in her case and companion cases and because recent exchanges of correspondence about these cases show the need for additional facts for adjudicative purposes, we find it necessary to solicit your further assistance.

Please furnish a copy of the position description for the position of Ignition Harness Repairer, W-7, from which she was reduced in force; advise if this appellant has eligibility for the position of Heat Treater, Electronic Equipment Repairer Helper, Aircraft Hydraulic Repairer Helper, and Machine Shop Helper, all at Grade W-5, through the passing of a written test; and furnish us with the answer sheet(s) and the facts about the cutting point utilized in any Clerk position for which this appellant was tested.

Your usual prompt cooperation will be appreciated.

Sincerely yours,

GRAYDON J. FUGH
Appeals Examiner

cc: Mrs. Ruby P. Johnson
Route 1, Box 216
Bay Minette, Alabama

Mr. Henderson F. Helt, Jr. ✓
Attorney at Law
1868 Government Street
Mobile, Alabama

ADDRESS:
THE DIRECTOR
FIFTH U.S. CIVIL SERVICE REGION
PEACHTREE-BAKER BUILDING
275 PEACHTREE STREET NE.
ATLANTA 3, GA.

UNITED STATES CIVIL SERVICE COMMISSION
FIFTH UNITED STATES CIVIL SERVICE REGION
COMPRISING ALABAMA, FLORIDA, GEORGIA, MISSISSIPPI, NORTH CAROLINA,
SOUTH CAROLINA, TENNESSEE, PUERTO RICO, AND THE VIRGIN ISLANDS
OFFICE OF THE DIRECTOR, ATLANTA 3, GA.

IN REPLY PLEASE REFER TO
Appl:GJP:sfe

October 26, 1961

Commander
Mobile Air Materiel Area
Brookley Air Force Base, Alabama

Attention: MOACUE

Dear Sir:

Our decision sustaining the reduction-in-force appeal of Mrs. Ruby P. Johnson is reflected in the attached memorandum.

This letter is authority for the recommended restoration. Unless further appeal is filed, please furnish a copy of Standard Form 50 showing compliance with the recommendation made.

Sincerely yours,

HAMMOND B. SMITH
Regional Director

cc: Mrs. Ruby P. Johnson
Route 1, Box 216
Bay Minette, Alabama

Mr. Henderson F. Helt, Jr. ✓
Attorney at Law
1868 Government Street
Mobile, Alabama

UNITED STATES CIVIL SERVICE COMMISSION
FIFTH UNITED STATES CIVIL SERVICE REGION
OFFICE OF THE DIRECTOR
ATLANTA 3, GEORGIA

OCT 26 1961

BASIS FOR DECISION IN THE REDUCTION-IN-FORCE
APPEAL CASES OF THE FOLLOWING APPELLANTS:

RUBY P. JOHNSON -	NORMA T. SULLIVAN -
ETHEL L. GANUS -	IDA L. GREEN
ISLA E. McLEMORE -	NELLIE S. WILLIAMS -
GERTRUDE P. ZINN -	HELEN E. TAYLOR -
MARY N. WILSON	LETHA M. HUDNALL

All of these female appellants were separated from their positions with Brookley Air Force Base by reduction in force in early May 1961. Appellants Johnson, Ganus, McLemore, Zinn, Sullivan, Green, and Williams were separated from the position of Ignition Harness Repairer, W-07. Appellants Taylor and Wilson were separated from positions as Electrical Rotomotive Accessory Assemblers, W-07. Appellant Hudnall was separated from the position of A/C Engine Sheet Metal Parts Repairer, W-07. All were in retention group IB.

Three bases of appeal were advanced by these appellants, i. e., that their positions had not been abolished; that their positions had been transferred to a new location and assigned to other employees; that they were qualified for reassignment. These points are examined hereinafter in order.

The records show that the work these appellants had been doing was integrated into a number of other and different kinds of jobs and that these new jobs were allocated to grade W-07 or higher. Such an integration is considered to have constituted a reorganization within the meaning of the Retention Preference Regulations, and utilization of those regulations in making personnel adjustments is considered to have been proper. The retention registers show that all positions in which the Ignition Harness Repairers and Aircraft Engineman Sheet Metal Parts Repairers were serving were abolished. Thus, the appellants serving in these positions were reached for reduction-in-force action on their respective retention register. The register for the position of Electrical Rotomotive Accessory Assemblers shows that appellants Wilson and Taylor were properly reached for reduction-in-force action.

The W-07 positions into which some of the duties of the positions in question were integrated were occupied either by employees in retention group IA or retention group IB as of the date these appellants were affected by reduction in force; thus, the appellants, all of whom are in retention group IB, had no mandatory rights to those grade W-07 positions under the Retention Preference Regulations. Under the Regulations, the appellants had no right to be promoted to the higher graded positions into which some of their duties may have been integrated.

The records show that on the date these appellants were separated by reduction in force other employees in lower subgroups than theirs occupied the positions of Heat Treater, Aircraft Hydraulic Repairer Helper, and Machine Shop Helper, all grade W-05. The agency declined to accord these appellants placement rights to any of these positions on two grounds.

First, as of the effective date of the reduction in force, some of them had not passed a required written test - the only competitive qualification standard for the positions - and they were not given the written test on the grounds that even if they so qualified, their placement in one of the positions would result in an interruption of the work. Those who had already qualified in the written test were disqualified on this latter concept. Second, and this applied to all of these female appellants, they were ruled physically disqualified for any of the above positions on the basis of a provision of Air Force Safety Manual 32-3 which reads in part that "Women will not attempt to lift more than 35 pounds by themselves."

Considering the first objection, all of these appellants have now qualified either through the successful completion of the required written test or had already so qualified. The decision to not place any of these appellants in one of the above positions on the grounds that the special skills required to perform the duties of the positions would require training and that this undertaking would interrupt the work appears to be based on the explanation of "qualifications" as set forth on page R-3-23 of the Federal Personnel Manual. This explanation relates to those situations where the qualifications standards involve a requirement for specified "education, training, (and) experience." The concept would rarely be applicable in resolving qualifications for a position at the W-05 level, particularly when, as here, the standard for qualifying is the mere ability to pass a written test. Nevertheless, we have reviewed the position descriptions of the positions in question in the light of the objections made. The described duties for each position shows that the incumbent works under close supervision of a higher grade employee in performing the critical duties of the positions. This is particularly true of those duties of the positions wherein a lack of experience, education, or training might, if the duties were improperly performed, have an adverse effect on operations or tend to interrupt the work. In view of this, we are unable to agree that the placement of these appellants in W-05 positions of Heat Treater, A/C Hydraulic Repairer Helper, or Machine Shop Helper would unduly interfere with work operations.

Considering the agency finding that these appellants are physically disqualified to perform the duties of any one of the above W-05 positions, a record of a recent physical examination of each appellant is in the files. This record shows no substantive medical finding for ruling that these appellants are physically disqualified for the positions in question.

Instead, each has been disqualified physically on the grounds that Air Force Manual 32-3 "prohibits women from lifting over 35 pounds."

We are of the opinion that the statement in the Air Force Safety Manual which has been relied upon should not be construed as being a satisfactory basis for the disqualification of these appellants on physical grounds, even for a position wherein lifting may be in excess of 35 pounds. This is particularly true in cases where there has been demonstrated ability to do moderate to moderately heavy lifting in other types of positions, either from which promoted; from which reduced; or in which service has been rendered.

Moreover, with regard to the particular positions in question, an examination of the "physical effort" paragraphs fails to show a definite lifting requirement, and the description of the duties fails to reveal that there is any consistent and continuous lifting involved in the performance of the duties of the above positions. The Safety Manual provides that "Whenever any load requires excessive exertion, the worker will use a suitable mechanical device to do the lifting"; thus, occasional heavy lifting seems to have been envisioned and guarded against from a safety viewpoint.

We have decided to disapprove the reductions in force in the cases of these appellants.

It is recommended that the records be corrected in the case of each of these appellants to show that she was placed through reduction in force to one of the positions cited above, or to some other position of like seniority, status, and pay for which she is qualified, effective retroactively to the date she was separated by reduction in force.

No further appeal from this decision will be entertained unless it is submitted to the Board of Appeals and Review, U. S. Civil Service Commission, Washington 25, D. C., within seven (7) calendar days after receipt of this decision. Additional representations should be made in writing and submitted in duplicate with the appeal. Please notify this office if you make a further appeal so that we may send the files to the Board without delay.

If no further appeal is made within the time limit allowed, the agency is requested to furnish the Regional Office with a copy of Standard Form 50, Notification of Personnel Action, showing that the recommended action has been taken.



GRAYDON J. PUGH
Regional Appeals Examiner



HAMMOND B. SMITE
Regional Director

HEADQUARTERS
MOBILE AIR MATERIEL AREA
UNITED STATES AIR FORCE
BROOKLEY AIR FORCE BASE, ALABAMA



REPLY TO
ATTN OF:

MOACUE

7 November 1961

SUBJECT: Reduction-In-Force Appeal - Mesdames Johnson, Ganus, McLemore, Zinn,
Wilson, Sullivan, Green, Williams, Taylor, and Hudnall

TO: Chairman
Board of Appeals and Review
U. S. Civil Service Commission
Washington 25, D. C.



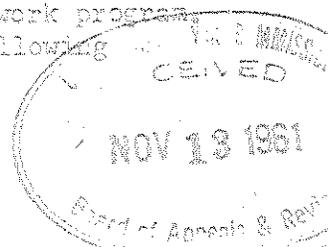
1. Reference is made to reduction-in-force appeals of Mesdames Ruby P. Johnson, Ethel L. Ganus, Isla E. McLemore, Gertrude P. Zinn, Mary N. Wilson, Norma T. Sullivan, Ida L. Green, Nellie Williams, Helen E. Taylor, and Letha M. Hudnall. The Fifth U. S. Civil Service Region, Atlanta 3, Georgia, by letter dated 26 October 1961, File: Appl:GJP:sfc, has directed the restoration of the above appellants based on an alleged violation of the Retention Preference Regulations.

2. Inasmuch as this Headquarters is not in accord with their decision, we desire to appeal these actions. Accordingly, we have requested the Fifth U. S. Civil Service Region to submit complete files on these appellants to your Headquarters for review and adjudication.

3. The decision of the Fifth U. S. Civil Service Region in these cases is rendering an opinion based on a personal idea which is not substantiated by facts regarding undue interruption and environmental conditions. We strongly disagree with this concept and the decision resulting therefrom. The following representations form the basis of our appeal and support our contentions:

a. The concept advanced by the Fifth U. S. Civil Service Region that undue interruption would rarely be applicable at the W-5 level is without foundation; is contrary to the Retention Preference Regulations; and would result in bumping without plan or purpose, causing unnecessary expense in training programs and reduced production without any tangible results to the agency.

b. In advancing the concept that undue interruption would rarely be applicable to positions at the W-5 level, the Fifth U. S. Civil Service Region has apparently disregarded the principles of establishing competitive levels as set forth in Section 4, Chapter R-3, of the Federal Personnel Manual. Prior to the reduction-in-force action resulting in separations of the above named appellants, this agency determined that positions in question were all allocable to separate competitive levels since employees occupying such positions could not readily be interchanged without undue interruption to the work program. In making this determination, the agency considered the following provisions of Chapter R-3 of the Federal Personnel Manual:



(1) "Factors considered in determining interchangeability ... In considering these elements, it is not possible to specify in advance any particular period or necessary training that may result in undue interruption to the agency's work program. The factors present in each case must be considered in terms of the actual effects on the program under the circumstances in existence at the time of the reduction in force ..." (R-3-12 and R-3-13).

(2) "Qualifications required for positions ... From the standpoint of qualifications for the position, interchangeability is based on the qualifications required for the actual duties and responsibilities of the job, as stated in the current Official Position Description and not on the qualifications of the incumbent ... Positions may be considered in the same competitive level only when substantially the same knowledge, technique, and know-how are required to get the jobs done satisfactorily ... Difference in examination (or selective certification) requirements for different competitive positions show that the occupants of these positions are not interchangeable. However, the fact that two different positions may be filled from the same examination without selective certification does not mean that both positions are in the same competitive level. Similarity of job titles is not conclusive in determining competitive levels ... Sometimes employees who have the same generic job title and identical statements of duties and responsibilities are not readily interchangeable because they have different specialized fields. It is proper to establish separate levels within such groups according to the specialized fields when there are significant differences in recruitment or training ..." (R-3-13).

c. The decision of the Fifth U. S. Civil Service Region (that rarely would undue interruption be applicable at the W-5 level) would tend to make the provisions of Section 4, Chapter R-3 of the Federal Personnel Manual inoperative for positions at this level.

4. Employees will be allowed to replace other employees in lower tenure sub-groups in positions for which they have no background or training. Furthermore, supervisors will be burdened with employees who cannot perform the full scope of duties in those positions wherein lifting and other strenuous activities are required.

5. We have failed to find a provision in the Retention Preference Regulations that precludes the agency from establishing a policy of restricting the placement of females into positions which require lifting and carrying of objects or materials over 35 pounds.

6. Our Medical Officer who is a competent authority made an accurate appraisal which is essential to good placement of workers in positions where physical activities require employment of those with fairly sound

physiques. He assisted in the development of physical requirements for positions at this Headquarters in a joint effort with the Placement Advisor, Ground Safety Technician, Industrial Hygienist, and the concerned supervisor; therefore, he should be qualified to render an opinion whether these appellants were physically qualified for the concerned positions.

7. We are attaching descriptions of duties of the positions in question which illustrate the physical efforts required of an employee to perform the full scope of duties.

8. It should be noted that there are no female employees assigned to positions in the competitive levels in question. It is our interpretation (according to previous correspondence in other appeal cases involving physical factors) that both the Fifth U. S. Civil Service Region and your office stated in effect that if certain positions have restrictive physical limitations, such limitations (as inherent parts of the particular duties, responsibilities, and working conditions upon which a competitive level is properly determined) would constitute an appropriate basis for separate competitive levels.

9. Therefore, since no females were assigned to the positions in question, it was not necessary to establish separate competitive levels. We are wondering if the decision is allowed to stand, what would be accomplished in having separate competitive levels? Such would be misleading to an agency in whatever action it may take.

10. As previously stated, this agency does not consider these appellants qualified for positions in question as affirmed by the Industrial Medical Officer of this installation. The Fifth U. S. Civil Service Region has not pointed out any provisions of the Retention Preference Regulations violated by this agency as a basis for reversal of the action taken in these cases.

11. Since the appeals involved four positions, namely, Electronic Equipment Repair Helper, Heat Treater Helper, A/C Hydraulic Repairer Helper, and Machine Shop Helper, the Fifth U. S. Civil Service Region has stated they are unable to agree with the agency that placement in the positions of Heat Treater Helper, A/C Hydraulic Repairer Helper, or Machine Shop Helper would unduly interfere with work operation. Since the position, Electronic Equipment Helper, was not included, we have assumed that they have determined that it would be interruption to the work operation for placement of these appellants into that type of position. If this is correct, then what were the determining factors that formed their decision for excluding this particular position?

12. Finally, we contend that in no way has the intent of the Retention Preference Regulations been violated. If our policy is in conflict

with any Civil Service regulations by establishment of limitations in regard to lifting and carrying for which female employees will be subjected (this policy has been in effect for the past several years) then the regulations should be revised to cover such cases. The decision of the Fifth U. S. Civil Service Region should be reversed and the action of the agency upheld as to the purpose and intents of the policy. If these points at issue had been clarified in the regulations, we would be the first to admit an error. We are doubtful that any agency except the employing agency can normally determine at what grade or under what conditions an exception to the order of retention would be legal.

13. Attached is a copy of the U. S. Department of Labor Bulletin. You will note that laws in effect in the State of Utah prohibit females from lifting in excess of 30 pounds. It appears that the decision rendered by the Fifth U. S. Civil Service Region would conflict with such cases in that State. We are contending by the same token that the decision is conflicting with our policy.

14. Any further information desired will be furnished upon request.


PASSIE C. SMITH

Chief, Civilian Personnel Division

4 Atch

1 - 3 By Descriptions for:
Heat Treater Helper
Acft Hyd Repairer
Mach Shop Helper
4. U S Dept Labor Special
Bul Nr 2

Copy to:

Fifth U S Civil Service Region
Peachtree-Baker Building
275 Peachtree Street N.E.
Atlanta 3, Georgia



UNITED STATES CIVIL SERVICE COMMISSION
WASHINGTON 25, D. C.

IN REPLY PLEASE REFER TO

BAR:ems

November 29, 1961

Henderson F. Helt, Jr., Esq.
Attorney-at-Law
1868 Government Street
Mobile, Alabama

Dear Mr. Helt:

SUBJECT: Decision of the Commission's Fifth Civil Service Region relative to the reduction-in-force action taken by Brookley Air Force Base, Alabama, in the cases of Mesdames Ethel L. Canus, Ruby P. Johnson, Isla E. McLemore, Norma E. Sullivan, Helen E. Taylor, Nellie S. Williams, and Gertrude E. Zinn.

This refers to the appeal submitted to this Board in the above case.

The purpose of this letter is to give you an opportunity to comment on the statements made in support of the appeal. Therefore, enclosed for whatever comment, or rebuttal, you may care to make is a copy of the appeal. Your reply, in duplicate, should be forwarded to this office within ten (10) days of your receipt of this letter.

When a decision has been reached in this case, you will be notified promptly.

cc: Commander
Headquarters
Mobile Air Materiel Area
United States Air Force
Brookley Air Force Base
Alabama

Sincerely yours,

E. T. Groark, Chairman
Board of Appeals and Review

Enclosure No. 5131

cc: Director of Civilian Personnel
Headquarters, U. S. Air Force
Department of the Air Force
Washington 25, D. C.

December 16, 1961

Mr. E. T. Groark, Chairman
Board of Appeals and Review
U. S. Civil Service Commission
Washington 25, D. C.

Re: BARTONS; Ethel A. Gams, Ruby F.
Johnson, Iola E. McLemore, Norma F.
Sullivan, Helen W. Taylor, Nellie B.
Williams and Contrace P. Zinn.

Dear Mr. Groark:

I am in receipt of your letter of November 29, 1961, together with Enclosure #5131, which has been forwarded to me at my new address.

I would like to comment on the positions taken by the Agency in support of its appeal.

The appellees feel that the action taken by the Fifth Civil Service Regional office in disallowing the reposition-in-force action was entirely proper and justified in these cases.

The agency originally disqualified the above-named employees on the ground that Air Force Regulations set a maximum weight-lifting limitation on female employees at 35 pounds. It is submitted that the Agency's 35 pound weight-lifting limitation is designed to limit the placement of female employees at Air Force installations. There is no basis, from a medical standpoint, that would require such a nominal lifting limitation. Female employees, just as male employees, vary in their lifting abilities. The placement of a blanket lifting limitation on female employees has the effect of removing them from consideration and placement to positions that they would otherwise be qualified.

The Agency has set up the further ground for refusal to place the above-named employees that to do so would disrupt the work routine of the Agency. The positions for which the appellees were found to be qualified by the Fifth Civil Service Regional office are Helper positions. As such, they are designed to afford the new or un-experienced employee to serve a period of apprenticeship looking toward advancement to higher levels of skilled work. It is axiomatic that under any apprenticeship position there is always a degree of

Mr. J. T. Groat, Chairman
Board of Appeals and Review
December 16, 1961
Page 2.

training being carried out. The employee in the Helper positions work under the close supervision of a more experienced worker, usually of the journeyman level, and more or less "assists" that worker in the performance of the work.

The appellees do not feel that their placement in the Helper positions would upset the work routine of the Agency. The main qualification for placement to a Helper position is a demonstrated basic mechanical aptitude. All of the appellees are experienced mechanics with years of experience at levels higher than the Helper positions. Consequently, their adaptation to the positions in question would take place much more smoothly than in the case of a new employee just entering the mechanical field. It seems however, that the Agency has chosen to disregard the years of mechanical experience these appellees possess and prefers to utilize employees of less mechanical experience on the theory that to do otherwise would disrupt the work routine of the Agency.

It is therefore respectfully requested that the decision of the Fifth Civil Service Regional office be upheld.

Sincerely yours,

Randerson F. Holt, Jr.



UNITED STATES CIVIL SERVICE COMMISSION

IN REPLY PLEASE REFER TO

WASHINGTON 25, D.C.

March 30, 1962

BAR:JAN;LSM:sbj

Commander
Headquarters, Mobile Air
Material Area
Brookley Air Force Base,
Alabama

Dear Sir:

This is in further reference to the appeal submitted in behalf of Brookley Air Force Base from decisions issued by the Commission's Atlanta Region in the cases of Ruby P. Johnson, Ethel L. Gaus, Iola E. McInnere, Gertrude P. Zinn, Mary W. Wilson, Norma T. Sullivan, Ida L. Green, Nellie S. Williams, Helen E. Taylor, and Letha M. Rainell, all of whom were separated by reduction in force as the result of a reorganization.

The Atlanta Region found that, although the above-named persons had been properly within reach for release from their respective competitive levels and did not have an enforceable right to be placed into higher-grade positions where some of the duties of their abolished positions had been integrated, those persons had been erroneously denied placement rights in certain lower grade positions for which they were qualified, which positions were occupied by persons of lower retention subgroup standing. Specifically, the Region found that each of the above-named persons met the minimum eligibility requirements for Heat Treater, W-05; Aircraft Hydraulic Repairer Helper, W-05; and Machine Shop Helper, W-05; that the evidence presented by Brookley Air Force Base with respect to the physical requirements for those positions did not establish that those women, on the basis of the medical examinations administered to them at the Base, were physically disqualified for the positions; and that the factor of undue interruption was not established in view of the trades background of those women and the fact that the incumbents of the questioned positions function under the close supervision of higher-grade experienced personnel. In its decision the Region also found that a statement in Air Force Manual 32-3 pertaining to weight lifting

by women, which statement was relied upon by Brookley Air Force Base as a restrictive policy which automatically excluded women from positions involving weight lifting in excess of thirty-five pounds, should not be construed as a satisfactory basis for disqualifying those women on physical grounds. Accordingly, the Region recommended that each of the above-named persons be placed in one of the three questioned positions, or in a position of like seniority, status and pay, retroactively to the date of their separations.

In your appeal to the Board, you indicate that the agency does not consider these appellants qualified for the positions in question. This was the view of the installation Industrial Medical Officer. The appeal also includes representations on a number of other matters which are considered to be irrelevant to a decision whether the appellants are, in fact, qualified for re-assignment. These representations concern such matters as the relationship of the Region's decisions to the provisions for establishing competitive levels, prior Commission decisions concerning the propriety of establishing separate levels under certain circumstances, and the absence of any provision, in Part 20 of the Civil Service Regulations, precluding the adoption of agency policy concerning the placement of female employees.

A review of the record fails to disclose any issue concerning the composition of competitive levels or any treatment of such an issue in the Region's decisions. The Region found simply that each of the appellants was fully qualified and entitled to be reassigned to three different positions. This finding with respect to the appellants' qualifications does not imply that the positions should be placed in the same competitive level; neither does it conflict with previous decisions holding that similar positions with differing physical requirements may be placed in separate competitive levels.

Clearly, Part 20 of the Regulations does not deal with agency placement policy or with the standards or requirements which may be established for specific positions or classes of jobs. This regulation does, however, establish the procedures which must be

followed in effecting actions required in a reduction in force. The regulation provides, among other things, that an employee reached for reduction-in-force action may not be separated if there are positions for which the employee is fully qualified and which are occupied by employees in lower retention subgroups.

In adjudicating appeals from employees who have been found not qualified for reassignment, the Commission first determines whether the appellant meets the Commission-approved standards for the position in question. If an appellant is found to meet the minimum standards, a determination is made whether he has such additional qualifications, skills, and abilities as will permit him to assume the duties of the position without additional training and without undue interruption to the work program.

In the cases at hand, the record shows that the agency found the appellants physically disqualified for reassignment in terms of the Air Force Safety Manual, AFM 32-3. There is no indication of any finding that the appellants failed to meet the Commission-approved physical standards for the positions to which reassignment was sought. There is likewise no indication of a finding that the appellants had any physical impairments or conditions which would prevent their meeting the officially recorded physical demands of the positions in question.

The Board has fully reviewed all the evidence in these cases, including the records of physical examination, the official position descriptions, the records of the appellants' prior experience, and the representations made in support of the agency's appeal. As the result of this review, the Board finds that the appellants meet the standards for the positions in question. The Board also finds that the evidence is insufficient to support a conclusion that reassignment would result in undue interruption of the work program, either for physical reasons or otherwise. Consequently, the Board concurs in and affirms the Region's findings that the appellants were fully qualified for reassignment to the positions of Heat Treater, W-05; Aircraft Hydraulic Repairer Helper, W-05; and Machine Shop Helper, W-05.

4

You are hereby instructed to cancel, in accordance with the instructions on page 2-1-34 of the Federal Personnel Manual, the notification of personnel action which journalized the separation of each of the persons named in the first paragraph of this letter. You are further instructed to assign each of these persons, effective the day following the date of her improper separation, to the position of Heat Treater, W-05; Aircraft Hydraulic Repairer Halper, W-05; Machine Shop Halper, W-05; or to a position of equivalent grade, status, and pay. The Commission's authority for instructing these corrective actions is Section 05.4 of Civil Service Rule V.

Within ten (10) days of your receipt of this letter please furnish this Board with two copies of each of the official notifications of personnel action advising each of the ten persons involved herein with respect to the accomplishment of the corrective actions. Your report should be directed to the Board of Appeals and Review, U. S. Civil Service Commission, Washington 25, D. C., Attention: Miss Ruth L. Boyd, Room 231, Main Building.

For the Commissioners:

Sincerely yours,

E. T. Grosark
Chairman, Board of Appeals
and Review

Re Cases of Ruby P. Johnson and nine others as listed below

Distribution:

Atlanta Regional Office

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Headquarters, U. S. Air Force
Department of the Air Force
Washington 25, D. C.

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Whistler, Alabama

Mrs. Norma T. Sullivan
2107 Highland Court
Mobile, Alabama

Mrs. Helen E. Taylor
564 Tuttle Avenue
Mobile, Alabama

Mrs. Nellie S. Williams
456 Chatham Street
Mobile, Alabama

Mrs. Gertrude P. Sinn
941-B Elmore Circle West
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Mrs. Ida L. Green
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Mrs. Letha M. Hudnall
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