

Kirkpatrick



The Comptroller General  
of the United States

Washington, D.C. 20548

# Decision

**Matter of:** Court Leave to Accompany Child to Judicial Proceeding  
**File:** B-225915  
**Date:** March 23, 1987

## DIGEST

Court leave authorized by 5 U.S.C. § 6322 to employees serving as witnesses is limited to the time required by an employee to appear personally as a witness or a juror. Consequently, this statutory provision does not permit court leave to an employee required to accompany her 10-year-old son who was a witness at a Federal grand jury proceeding.

## DECISION

An employee of the United States Merit Systems Protection Board was absent from work in order to accompany her 10-year-old son to a grand jury proceeding because he could not travel there alone and she was the only responsible person available to accompany him. Her son was subpoenaed to appear as a witness before the grand jury. We are advised that the employee was given a witness form but was not paid a witness fee. Further, the employee, as well as an Assistant U.S. Attorney, believes she should be granted court leave since the employee is the only person responsible for the minor child. We are asked whether the agency should charge her annual leave for the absence from work when accompanying her son, or whether it may grant her court leave without loss of pay.<sup>1/</sup>

## DISCUSSION

The statute generally applicable to court leave for Federal employees is 5 U.S.C. § 6322. It provides that an employee is entitled to leave, without loss of, or reduction in pay, or leave to which the employee otherwise is entitled when in

<sup>1/</sup> The Acting General Counsel, U.S. Merit Systems Protection Board, requested our decision on the question.

response to a summons in connection with a judicial proceeding he or she serves as a juror or as a witness on behalf of any party when the United States, the District of Columbia, or a state or local government is a party to the proceeding.

On the basis of the limited information available to us, it appears that the employee was not called before the grand jury herself nor was she in anyway officially connected with the proceeding. She merely escorted her child to the proceeding. We do not view this differently than any other occasion when a parent finds it necessary to accompany his or her child for purposes unrelated to the employee's job or the government's interest. Accordingly, the employee may not be granted leave under 5 U.S.C. § 6322.

  
for Comptroller General  
of the United States