



The Comptroller General  
of the United States

Washington, D.C. 20548

139632

## Decision

Matter of: Charles H. Byrd II - Travel and Leave for Tryouts  
for the United States Olympic Team

File: B-235684

Date: September 27, 1989

### DIGEST

Firearms Instructor may not be reimbursed for costs of trying out for Olympic Shooting Team, since the tryouts did not constitute a training program or meeting for which reimbursements are allowed, nor did it constitute official business. The period of absence while at tryouts must be charged against annual leave.

### DECISION

#### BACKGROUND

Mr. Ronald V. Cooper, Authorized Certifying Officer, Federal Bureau of Investigations (FBI), has referred the claim of Mr. Charles H. Byrd, II to our Office for a decision. Mr. Byrd, a firearms instructor at the FBI Academy, qualified for the United States Shooting Team tryouts held in California in August 1988, and he requested and received approval for instructor development (training) funds to cover his travel and lodging expenses while at the tryouts. Mr. Byrd and his supervisors stated that his exposure to the expertise of other shooters, coaches, and gunsmiths as well as to recent developments in weapons technology and training techniques would be related to his official duties as a firearms instructor and would improve his ability to perform those duties.

Mr. Byrd participated in the tryouts and incurred expenses totalling \$1,646.84. He also used 9 official workdays for which he was paid and was not charged with accrued annual or sick leave. After the tryouts, the certifying officer denied reimbursement of Mr. Byrd's expense voucher and recommended that Mr. Byrd's paid absence for 9 days be converted to annual leave. The certifying officer argued that Mr. Byrd's participation in Olympic tryouts was beyond his official duties and that the FBI could not officially sponsor someone in tryouts against other amateur athletes.

## OPINION

Chapter 41 of title 5, United States Code (1982), and 5 C.F.R. § 410 (1988) provide the authority for training federal employees in governmental or non-governmental facilities. Subsection 4101(4) defines training as a program, course, or routine of instruction or education in fields:

" . . . which are or will be directly related to the performance by the employee of official duties for the Government, in order to increase the knowledge, proficiency, ability, skill, and qualifications of the employee in the performance of official duties. . . ."

Both the Federal Personnel Manual (FPM) and our decisions have interpreted this statute to be "sufficiently broad and flexible to enable an agency to provide whatever training is necessary to develop the skills, knowledge, and abilities that will best qualify employees for the performance of official duties." FPM, Book 410, Subch. 1-3(2), Inst. 271 (1981); B-182398, Oct. 24, 1979. However, we have interpreted 5 U.S.C. § 4101 to minimally require that a program "be broadly designed to increase the knowledge and proficiency of the persons attending them" to constitute a training program. B-182398, *supra*. On the record before us, we conclude that the Olympic Shooting Team tryouts were designed to select persons to compete for the United States in the Olympic Games, not to develop skills, knowledge and abilities of the competitors through a planned, prepared and coordinated routine of instruction. Therefore, 5 U.S.C. §§ 4101-4112 provides no authority for Mr. Byrd to remain on on-duty status or be reimbursed for his cost while attending tryouts.

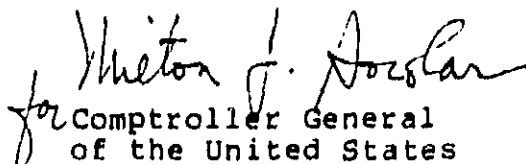
Similarly, we conclude that a gathering of firearms experts only for the purpose of competition in tryouts for the Olympic Games cannot be understood to constitute a meeting under 5 U.S.C. § 4110 (1982) for which Mr. Byrd could be reimbursed expenses. See Dr. M. E. Kaye, B-210522, Dec. 15, 1983.

Section 5702 of title 5, United States Code, provides that an agency may reimburse an employee for actual and necessary costs for travel while on official business. The Federal Travel Regulations (FTR) allow for reimbursement only for employee travel expenses "essential to the transacting of

official business."1/ Mr. Byrd's travel to compete in Olympic tryouts cannot be characterized as travel for the purpose of transacting or performing official business within the meaning of the FTR. Mr. Byrd qualified for the tryouts and subsequently requested that the FBI approve funds to cover his travel and lodging costs. As such, his travel was primarily his personal choice and for his personal benefit, despite the value which the FBI might gain from his participation in the tryouts. See Harold A. Knapp, B-226863, Jan. 26, 1989.

Since Mr. Byrd's travel does not qualify as training, attendance at a meeting, or official business, the last question is whether his absence may be charged to administrative leave. Administrative leave excuses federal employees without loss of pay or charge to annual or sick leave accounts during periods in which they perform no official duties. Satwant Singh Bajwa, B-185128, Dec. 3, 1975. However, our decisions have limited the use of administrative leave to situations involving brief absences, and we have specifically denied such use to an employee who participated in the Pan American Games. Bajwa, supra. Therefore, the period of Mr. Byrd's absence, 9 workdays, may not be charged to administrative leave and should instead be charged to annual leave.

Accordingly, we find no authority to allow the excused leave or reimbursement of expenses that Mr. Byrd seeks. With regard to the travel expenses, we note that the FBI provided the airline ticket (\$422) and a travel advance (\$963), and Mr. Byrd seeks reimbursement for \$1,228.48 in travel expenses. Collection of the erroneous payments from Mr. Byrd, however, is subject to waiver consideration under 5 U.S.C. § 5584, as amended (1982 & Supp. IV 1986). See Rajinder N. Khanna, 67 Comp. Gen. 493 (1988); Major Kenneth M. Dieter, 67 Comp.Gen. 496 (1988).

  
for Comptroller General  
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1/ FTR, para. 1-1.3b (Supp. 1, Sept. 28, 1981), incorp. by ref., 41 C.F.R. § 101-7.003 (1988).