



184/44 Mr. Riedinger
54
UNITED STATES GENERAL ACCOUNTING OFFICE

WASHINGTON, D.C. 20548

OFFICE OF GENERAL COUNSEL

B-203289

June 11, 1981

Do not make available to public reading

Miss Regina M. Ryan
735 Taylor Street, # 412
San Francisco, California 94108

Dear Miss Ryan:

Reference is made to your recent letter, with enclosures, postmarked May 19, 1981, seeking the Comptroller General's opinion as to the meaning of the word "insubordination" as it might relate to matters described in your letter.

The material with your letter indicates that you are a voucher examiner for the Department of Health and Human Services, San Francisco Regional Office. You say that on April 22, 1981, you heard a rumor that a training trip was planned for the department in which you are employed and that you immediately informed your director, his assistant and your immediate supervisor in writing that you were not interested in training travel, requesting that your name not be included in any further voucher examination training.

Apparently, in spite of your efforts, an HEW Form 350 "Training Nomination and Authorization" was prepared and issued for you on May 6, 1981. On the same day you submitted your written refusal of that assignment. In response you were informed that your request was denied; you were directed to attend the training session and informed that failure to do so might cause you to be subject to disciplinary action.

You now ask whether your actions constitute insubordination.

The word "insubordination" is defined, in part, in Black's Law Dictionary (5th Ed.), as:

"* * * disobedience to constituted authority. Refusal to obey some order which a superior officer is entitled to give and have obeyed. Term imports a willful or intentional disregard of the lawful and reasonable instructions of the employer."

Such matters as requiring employee training, enforcing certain minimum standards of acceptable employee conduct and the imposition of penalties for failure of employees to conduct

[Clarification as to Actions that Constitute Insubordination]

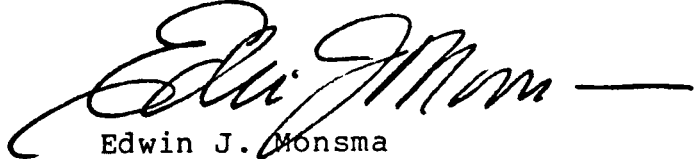
088330 - 517237

B-203289

themselves accordingly, come within the discretionary authority of the employing agency. Since the General Accounting Office has no jurisdiction over such matters affecting other agencies, the Comptroller General is neither in a position to judge nor would it be appropriate for him to speculate whether your actions regarding training were such that they would qualify as insubordinate under the foregoing definition or any other definition of the word.

We trust this information will serve the purpose of your inquiry.

Sincerely yours,

A handwritten signature in cursive script, reading "Edwin J. Monsma", followed by a horizontal line.

Edwin J. Monsma
Assistant General Counsel